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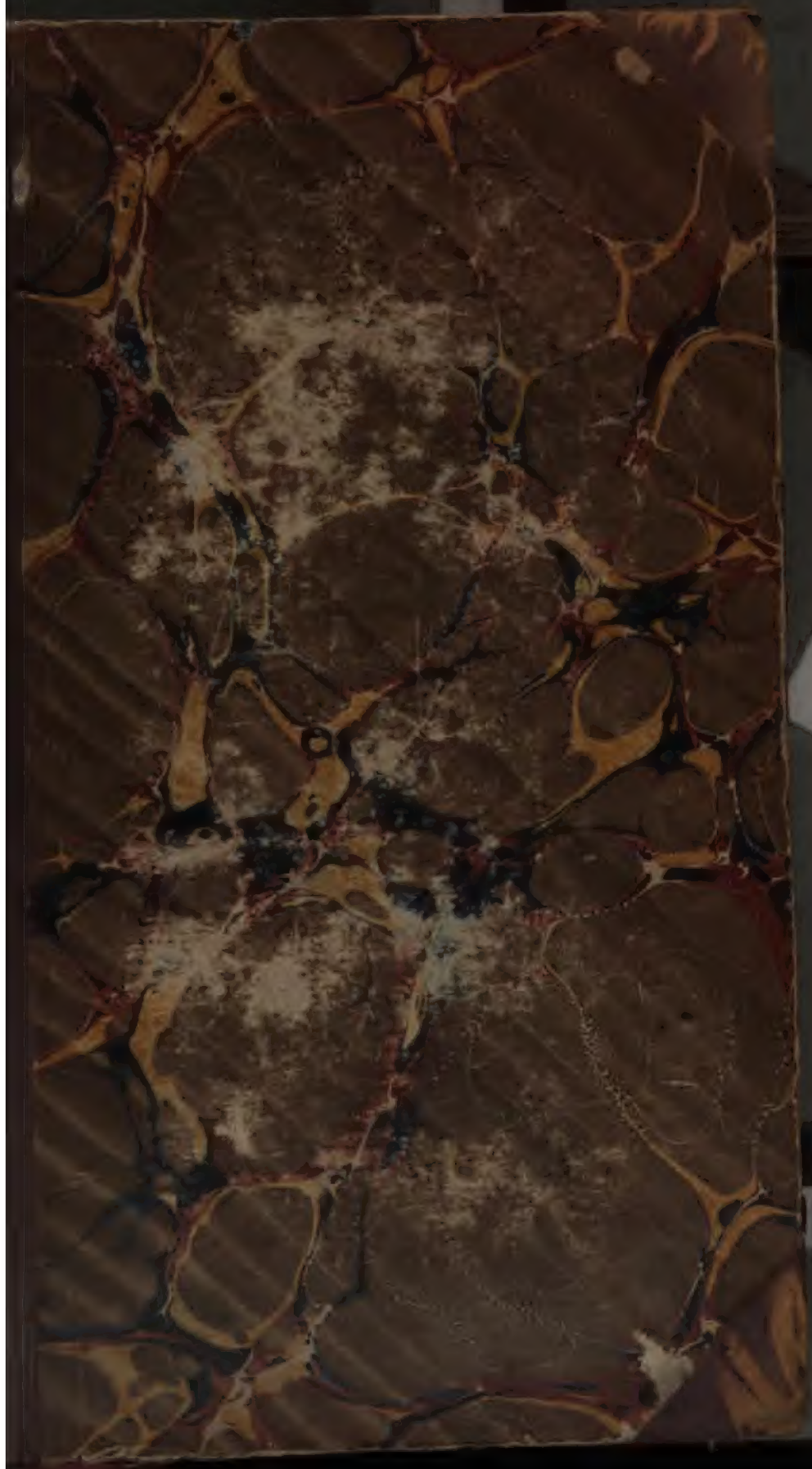
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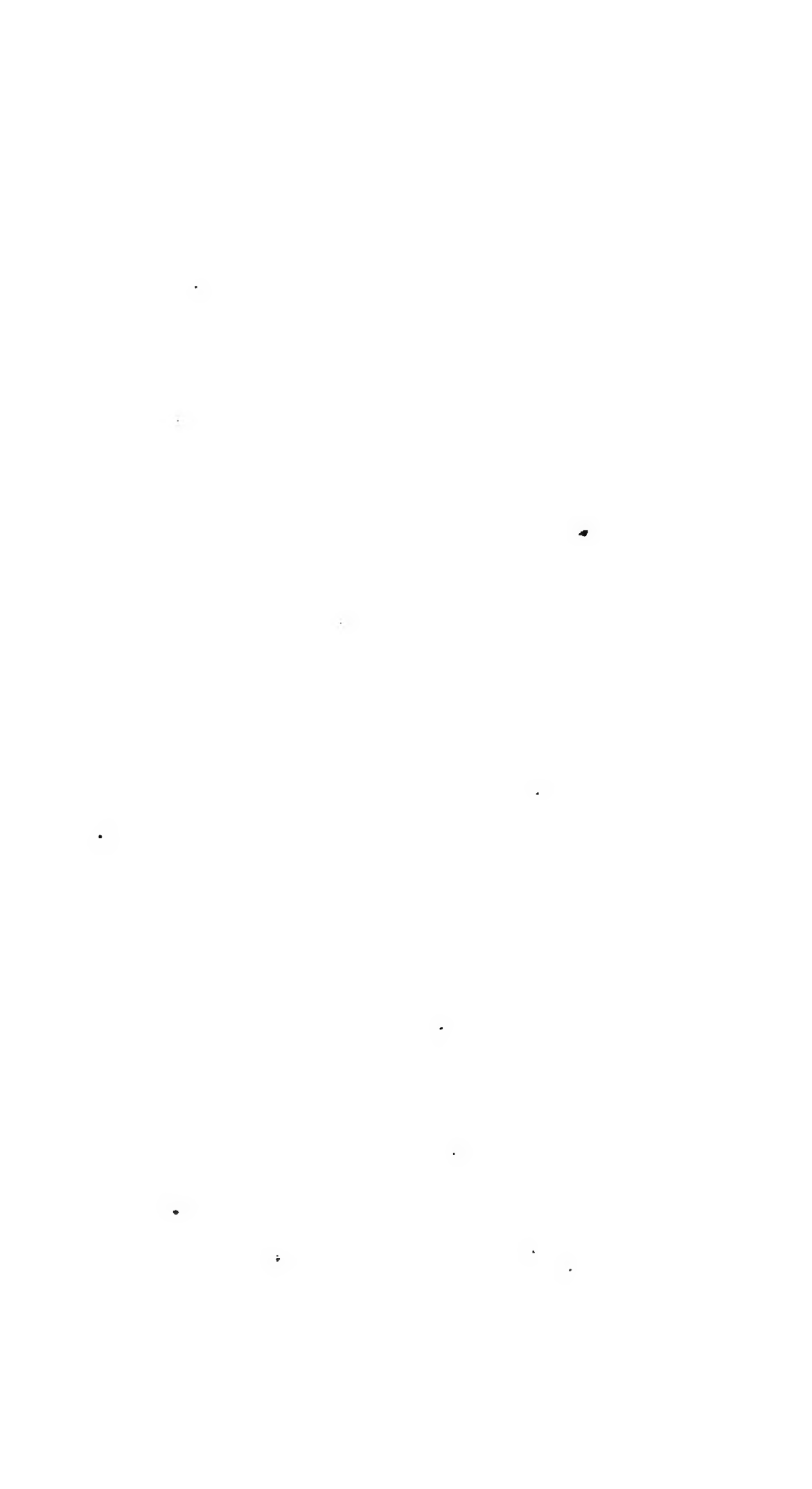
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THE
BRITISH AND FOREIGN
REVIEW;
OR,
EUROPEAN QUARTERLY JOURNAL.

"In primisque hominis est propria veri inquisitio atque investigatio."

CICERO, DE OFFICIIS.

VOL. X.

JANUARY—APRIL.

1840.

LONDON:
RICHARD AND JOHN EDWARD TAYLOR,
RED LION COURT, FLEET STREET.

MDCCCXL.

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THE
BRITISH AND FOREIGN
REVIEW.

ARTICLE I.

A Tour in Sweden in 1838; comprising Observations on the Moral, Political and Economical State of the Swedish Nation. By SAMUEL LAING, Esq., Author of "A Journal of a Residence in Norway." 8vo. London: Longman and Co. 1839.

IT was with somewhat eager feelings, fraught with anticipations both of instruction and amusement, that we opened a second work by an author whose former labours had afforded us such unmixed satisfaction. Of Mr. Laing's journal of his three years' residence in Norway, the subject-matter was alone sufficient to excite intense interest in the mind of the political philosopher. The growing power of the people in almost every country in Europe is such as to threaten feudalism with a complete overthrow at no very remote period. It has almost ceased to be a question whether the *few* or the *many* shall be the ultimate controlling power. That seems to be decided in favour of the latter in the minds of all observant and thinking men; and the only problem with which the wise politician thinks it worth while to busy himself is, by what steps and by what instruments the peaceable substitution of the pure principles of representative government for the antiquated institutions of the feudal ages can be brought about.

Norway exhibits the working of institutions more essentially democratic than those of any other European country,

in a manner calculated to calm the fears of the timid, to encourage the hopes of the sanguine, and to warm the aspirations of the benevolent. This circumstance alone induced us to regard it as a matter of duty rather than of choice, to lay before our readers a species of analytical abridgement, so to speak, of Mr. Laing's former work; at the same time we esteemed it an additional justification for so doing, that the author had brought to the subject a mind replete with benevolence and actuated by the enlarged views which a truly practical philosophy is alone calculated to generate. Of both the author and the book we spoke* in terms of high commendation, which, we must now add, a perusal of the work before us does not dispose us to abate, although the interest which an account of the state of society in Sweden is calculated to excite would scarcely have been sufficient to justify an article, had the work in question preceded instead of followed the more interesting and important 'Residence in Norway.' Read after the latter work, however, its details become valuable, not from the intrinsic interest which they possess, but rather from the comparison which they enable us to institute between two states of society so diametrically opposite, both as to causes and consequences, as that of Sweden and that of Norway. Facts as to countries so peculiarly circumstanced, and conclusions from such facts, become doubly valuable by being compared and contrasted.

"In Norway and Sweden," says Mr. Laing, in his preface, "such inquiries are peculiarly interesting at the present period, because these two nations, although the furthest removed from the agitation of the French Revolution, have, by a singular chance, been affected by it more permanently, and one of them more beneficially, than any others in Europe. Norway received a new and liberal constitution, and has started with the freshness of youth,—a new nation, as it were, called suddenly into life from among the slumbering feudal populations of the north. Sweden received a new dynasty,—and slumbers on amidst ancient institutions and social arrangements of darker ages. Having attempted in a former work to give a sketch of the present social condition of the Norwegian people, I consider it necessary, in order to complete the view of the present moral, political, and economical state of the inhabitants of the Scandinavian peninsula, to undertake the following sketch of the Swedish."

* See No. IX., article I, for July, 1837.

We must here remind the reader that the present work has been produced under circumstances different from, and certainly less advantageous than, the former. The work on Sweden is the result of a single summer's tour,—that on Norway of a three years' residence: the latter accordingly exhibits a more profound acquaintance with the institutions it describes, and of their minute workings, than the former. At the same time it should be remarked, that to an accurate observer who had carefully examined the one country, the examination of the other would be a matter of minor difficulty. It has been somewhat invidiously objected, in favour of the '*Residence in Norway*,' and against the '*Tour in Sweden*,' that in the former case Mr. Laing went to the country, recorded all that was worthy of observation, and afterwards wrote a book; whereas, in the latter case, he went to Sweden expressly to write a book. We cannot understand why a man should produce a worse account of a country because he previously determined to write about it. To us it appears that the circumstance of Mr. Laing having proceeded upon a settled plan, combined with the previous qualifications obtained by his long residence in Norway, goes far to counterbalance the disadvantage of shorter time and limited opportunity. Be this as it may, however, the book is a good book, filled with the marks of a benevolent spirit, and contrasting widely and most refreshingly with the "tours" and "travels" with which the press is wont to teem. In short, we begin by confessing, that with us Mr. Laing is a decided favourite; and we believe the world will be both the better and the wiser for his labours.

In the present work Mr. Laing has pursued the plan adopted in his '*Residence in Norway*,' of setting down his observations in the order in which they occurred; both works seeming to be extracts from more copious journals.

"Every traveller," says Mr. Laing, "is placed between two difficulties—that of sounding too much and too soon upon trifling, isolated circumstances—and that of postponing his opinions upon them until he has become so accustomed to see them that he makes no observation or opinion about them at all. The latter is the safest course for the traveller, but the worst for the reader; who, if he has before him the circumstances and impressions as they arise, may draw his own conclusions, and adopt no more of the traveller's than he sees fit. I shall therefore take this course, and give

my opinions as they arise, although the circumstances may not always be thought of so general and important a kind as to bear them out."—
Page 31.

A glance at the map of Northern Europe will show that Sweden enjoys a considerable natural advantage over Norway in its more southerly position, and yet its population stands much lower in the scale of social arrangement. We are tempted to make rather a long extract in this place, contrasting the two countries and the habits of their respective people in some striking particulars.

"This country is certainly of richer soil, better farmed, and in every way—even in the transport by water of its staple product, timber, from the most remote recesses—better adapted for supporting its population than any part of Norway. This part of Sweden also is divided, like Norway, very much among small proprietors. I have passed but one place, at Fhlberg, about 20 miles from hence, which could be called the domain of a large land-owner. Yet it strikes me that there is a great difference here in the condition of the middle and lower classes; and judging from such trifles as one is scarcely willing to avow, as the grounds for an opinion, that their condition is worse in this tract of Sweden. The trifles I judge from are these: the houses, outhouses, and all about them, appear out of repair, as if they had been built twenty or thirty years ago, and never touched since; not one in twenty of the dwelling-houses of these classes has ever been painted, which these wooden walls require. In Norway every little estate, not so large apparently, nor of such good soil in general as these, has the main house, barn, cow-house, and all the valuable offices, painted red, often orange, pink, or some colour which says little for the good taste, but much for the good condition of the peasant, and for his spirit of conservation, keeping in order and in a neat state all his property. I observe that not one house has runs or water-spouts at the roof, and very few porches with benches at the door, for the house-father to sit on and smoke his pipe in the evening. No cottage in Norway is without these appendages. The windows here are broken, the dung-hill is not under cover, the collars and bells about the necks of the favourite cows, to direct the cowherd to find the cattle in the woods, are not polished and bright as in Norway. There is a want here of those little outward signs and tokens of a spirit of comfort, of a disposition to have things in order, to repair and renew, from which I infer an inferior state of well-being among the rural population here. These are trifles, but they may indicate the condition of a peasantry as truly as more important circumstances. In this land of wood and iron, the roughness and imperfection of all workmanship in these materials must strike the most unobserving. In the houses on the road at which travellers stop, and which, being privileged, must belong to the more respectable of this class, the

window- and door-frames are nailed to the walls with clumsy nails, of which the heads are not sunk into the wood; the floors and ceilings are boarded in the same rough way; the doors are without any handles but the key on one side, and on the other a piece of clumsy iron to pull it open by; and no stoves, but only hearths, in the common rooms. I infer from these circumstances, that many of the useful arts, and a taste for comfort and neatness, are but in a low state in this part of Sweden, notwithstanding the steam-boats and book-shops. My cariole wheels are very much admired wherever I stop; they are no doubt well made, but are such as, in almost every country parish in Norway, are made by the wheelwright for two dollars. Bedsteads are universally used in Norway by the poorest people. They are clumsy to be sure—not unlike seamen's chests in shape—but still they are moveables having a value as furniture. They are taken out to the green before the door in summer, and washed and scoured, and the rugs or skins forming the bedding are hung out all day, as regularly as bedding on board a ship of war. Here the common people sleep in fixed berths in the wall, one tier above another, as in a ship's cabin. This can neither be so clean nor so decent, as, from the much smaller size of the dwellings, there are not always, as in Norway, separate sleeping apartments for men and women. These may be thought very unimportant matters of observation; but they indicate, I conceive, a different degree of developement of civilized habits and modes of living in two countries under circumstances nearly alike, and show, as in the comparative condition of the Scotch and English people, that the best educated and most intelligent may have made the smallest advance in the habits and modes of living that denote civilization. There must be causes altogether independent of education which, in this richer and better educated country, keep back the developement of those habits, as compared with its poorer and more ignorant neighbour."—*Pages 31—34.*

Nothing can be more just than the general inference which Mr. Laing draws from the facts which he details,—nothing more true than the proposition that the condition of the people will be mainly determined by what is necessary to constitute a decent subsistence. If their own standard be low, so also will be their condition. The only reason why the industrious classes of England are not reduced to Irish wages, is because their notions of the decencies of life are far higher than those of the Irish. If the English should ever be content with chimneyless and drainless mud cabins, with a meal of potatoes, and with the absence of all approach to comfort and cleanliness, Irish wages would assuredly follow. In Mr. Laing's work on Norway this truth was never lost sight of and we ourselves have endeavoured to enforce it as a maxim

of practical application on more than one occasion. On the same subject we are enabled to lay before our readers an extract from the Report of one of the assistant Hand-loom Commissioners, which although printed has not yet been made public.

"The children at the Sunday-school were exceedingly well dressed, and their marked cheerfulness showed that they were under teachers who had a real interest in their welfare. I was informed that the establishment of this school, accommodating as it does a large proportion of the children of the village, has had a very striking effect upon the appearance of the population. In order to send their children in a decent condition to the Sunday-school, they make considerable sacrifices—greater sacrifices indeed than they were formerly in the habit of making: if this merely induced a taste for cleanliness in the children, it would be something; but it does more; the parents do not like to appear in a worse condition than their children, and they accordingly attend more to their own personal appearance. This begets industry, prevents wastefulness of expenditure, and tends continually to elevate the notions of the people as to what constitutes a decent subsistence. This is the very first condition of improvement. As long as the industrious classes are satisfied with the mere satisfaction of their physical wants, so long will they be in a degraded condition. To preach contentment to a potato-fed people, is to preach perpetual degradation. No people can be morally raised until they cease to be contented with a low condition; and I looked upon the remarkably neat appearance of the children of the Wortley School, as a strong piece of evidence of the improving notions of the population as to the decencies of life."

The only part of Mr. Laing's remarks with which we have any fault to find, is the narrow sense he gives to the term education. We shall not tire the reader with a long discussion respecting the definition of the term, but shall merely observe, that in speaking of the superior education of the Swedes, Mr. Laing must allude to ordinary school knowledge—reading, writing, &c.—whilst we should be disposed to extend the term to those very "habits and modes of living which denote civilization," and in which the Norwegians stand so much above the Swedes.

Among the most conspicuous causes of social improvement, Mr. Laing very properly places that habit of self-reliance which a participation in political power invariably generates. Speaking of certain improvements which a lapse of forty years had produced in the neighbourhood of Hamburgh, he says,—

"These are improvements—but they are the work of the government, not of the people. It is the ruling principle of the governments of the continent, at present to do every thing *for* the people, and nothing *by* them. Roads, diligences, steam vessels, schools, savings' banks,—all, as well as the laws, emanate from or are controlled by government; and even ordinary branches of private industry, such as mines, iron foundries, salt works, are subject to the inspection and regulation of government functionaries; and all trades and handicrafts are exercised under licence. The consequence of this principle of interference in all things is, that the people remain in a state of pupillage, are trained to an inert dependence on their governments for all things, like that of the soldier on his officer, and do nothing for themselves. They trust to government, not to their own industry and exertion, for every improvement. What the governments do in this enlightened age is generally well done, and really beneficial to the people; but the hand of government cannot be applied to their mode of living, their supply of useful articles in their households, their manners, habits, morals, and, in short, to all that is most important in their social condition. Improvement in these must proceed from a spirit of improvement among the people themselves; and this spirit is kept down and extinguished by the principle of the interference of government in all things, even in branches of private industry. I saw here this morning, by the side of a new steam vessel just fitted out by government, or with its permission and privilege, a canoe, not a boat, but a canoe formed apparently out of a hollowed trunk of a large tree, and, as a work of art, in no respect superior to the omiak of the Esquimaux, paddled by two women with shovels at the prow and stern, and conveying a party of peasants across the bay. Government may copy the beneficial improvements of other countries, but cannot penetrate beneath the surface, and effect any improvement in the condition of the mass of the people, with all its efforts, not even in the most necessary of arts, that of their ordinary transport by water. The canoe exists by the side of the steam vessel, barbarism by the side of civilized appearances, because government does everything, and allows the people no interest or voice in what is done. The principle and spirit of a government has more influence than its acts upon the well-being and social condition of a country. This principle of doing everything for the people, and nothing by them, keeps a nation behind in real civilization, notwithstanding the external appearances its government may display."—*Pages 7—9.*

"But it seems to be with nations as with individuals—it is not what is done *for* people, but what people do *for* themselves, that acts upon their character and condition. From being altogether passive, and having no voice in their own affairs, the Danish people, with all those fine institutions of their government, are in the same state nearly as in 1660. In the practice of the useful arts, in activity, industry and well-being, they are two centuries behind those nations, with whom, in numbers and natural advantages of soil, climate and situation, they may be fairly compared,—the Scotch, the Dutch, or the Belgian people."—*Pages 13, 14.*

This vice of regulating all things exists to a greater extent in Sweden than in perhaps any other continental state. In England every thing may be lawfully done which the law does not forbid:—in Sweden, the fundamental rule of action, Mr. Laing tells us, is directly the contrary; nothing being lawful but what the law permits. Thus the government must perpetually make itself felt by the people; though it may not act itself, it lies like an incubus on the actions of the people; until at length, like labour to an idler, action of any kind becomes irksome, and government is looked to for the accomplishment of ends which should always be left to the people themselves. To prevent a people from looking to the government in cases where they should look to themselves, is always a matter of difficulty, even in this country, where self-reliance is really practised to a very considerable extent. Governments which like to be called “paternal,” and kings who delight in being designated “fathers of their people,” as all despotic kings do, give encouragement to this pernicious state of the public mind. Demands are occasionally made by those who are suffering from insufficient remuneration, or from excessive toil, for legislative relief, in the shape of what they call a “fair day’s wages for a fair day’s work;” a phrase which assumes a most equitable guise, but which involves an intermeddling on the part of government which could not but be productive of pernicious results, inasmuch as the real meaning of the phrase is,—let a low maximum of time be fixed, beyond which no man shall labour; and let there be a high minimum of payment, below which wages shall not be permitted to fall. In what manner have these demands been usually met? By shuffling and evasion, and not by fairly and openly attempting to reason down the fallacy. The governing class in our own country may yet have to repent the neglect of popular instruction. The industrious classes in the towns and cities are certainly advancing in intelligence and moral improvement most rapidly; but they are organizing even more rapidly. At the same time, discontent is becoming very prevalent among them, the more especially as they cannot help attributing to the vices, or at all events to the neglect of the government, evils of which the government is

wholly guiltless. What is the proper remedy for this? evidently public instruction. Even a common education, such as Sweden, in common with many other of the continental nations, provides, would, if engrafted on the habit of self-reliance which prevails among us, lead ultimately to the complete uprooting of those erroneous impressions which make men ask of government what they should accomplish for themselves. We do not say that governments should print books, or send forth lecturers; because, they would most likely be bad books and worse lecturers; and, even if good, the people would suspect them; but not only should all restraints on the diffusion of knowledge be removed, but a system of universal education, including some kind of normal institution, under the fostering care, though kept independent of the immediate control, of government, should be established,—the normal college or school to serve as a perennial source of competent teachers. The union of such an education as might thus be provided, with our wholesome habit of self-reliance, would produce a more elevated social state than any country can at present boast of.

Education is certainly carefully attended to in Sweden, and that too by the people themselves. On this subject we must apologize for giving rather a long extract.

"It might be expected that education is in a low state in these remote, poor settlements*, in which the few people can barely subsist their families, and cannot possibly keep a schoolmaster, nor support their children at a distant school. It is, however, to the honour of the common people of Sweden, that they alone, of all European nations, have outstripped the schoolmaster, and are so generally masters themselves of reading, and even writing, that parents in the lowest circumstances have no more occasion for a schoolmaster to teach their children these elementary branches of education, and also the church catechism, than they have for a baker to make their bread, or a sempstress to mend their clothes. Of the whole population, including even Laplanders, it is reckoned that the proportion of grown persons in Sweden unable to read is less than 1 in 1000. This general diffusion of elementary education among the people is ascribed to the zeal of Gustavus Vasa and his immediate successors. John III., in 1574, ordered that the nobleman who had no knowledge of book learning should forfeit his nobility. Charles XI., in 1684, required the clergy to have every Swedish subject taught to read; and he made it a law, that no marriage should be

* Degerfors.

celebrated unless the parties had previously taken the Lord's Supper, and that none should be admitted to the communion-table who could not read, and was not instructed in religion. This law has spread family education. Parish schools are only found where there happen to have been lands or rents bequeathed in old times for the endowment; and these, in some parishes, are fixed, in others ambulatory. * * * In this province (Wexio-land), in 40,000 people only one person was found unable to read. * * * Yet, with all their poverty,' (says Petrus Laesladius, speaking of his parents,) 'and all their striving for the most pressing necessities of life, our parents never forgot or put off the teaching us to read. Before we could well speak our father taught us our prayers; and these were, the first thing in the morning, and the last at night. Our mother spared no pains to teach us to read in a book; and at five years of age I could read any Swedish book; and at six could give reasonable answers to questions on the head points of Christianity.' This, too," continues Mr. Laing, "was the house life of the poorest of the poor among new settlers; for fish—the making glue from the rein-deer's horns they could gather—and a little dairy produce—were all the means of subsistence which the parents of Petrus Laesladius had."—*Pages 186—188.*

At one of the very first places Mr. Laing stopped at after crossing the Norwegian frontier, namely, Carlshad, a neat little town of 2500 inhabitants, evidence of book learning met his eye.

"I found," says Mr. Laing, "two booksellers' shops and a music-seller's in the town, but not a butcher's. Here, as in Norway, I presume every family has butcher's meat killed and salted in autumn. With us, in such small country towns, the enjoyment of the fine arts is not so generally diffused as that of eating fresh meat; and the proportions of supply for mind and body would be exactly the reverse—three butchers' shops at the least for one book or music-shop."—*Page 29.*

Sweden affords remarkable evidence that mere "book-knowledge," even when combined with a law to force people to partake of the Lord's Supper before they are permitted to marry, is insufficient, when opposed to the pernicious example of an ignorant, degraded and thoroughly worthless aristocracy, to prevent a very low state of morality.

"It is a singular and embarrassing fact," says Mr. Laing, "that the Swedish nation, isolated from the mass of the European people, and almost entirely agricultural or pastoral, having, in about 3,000,000 of individuals, only 11,925 employed in manufactories, and these not congregated in one or two places, but scattered among 2037 factories, having no great standing army or navy, no extended commerce; no efflux of strangers; no considerable city but one; and having schools and universities in a fair proportion, and

a powerful and complete church establishment, undisturbed in its labours by sect or schism; is, notwithstanding, in a more demoralized state than any nation in Europe—more demoralized even than any equal portion of the dense manufacturing population of Great Britain. This is a very curious fact in moral statistics. It is so directly opposed to all received opinions and long-established theories of the superior moral condition, greater innocence, purity of manners, and exemption from vice or crime, of the pastoral and agricultural state of society, compared to the commercial and manufacturing, that if it rested merely upon the traveller's own impressions, observations, or experiences, it would not be entitled to any credit. The traveller in a foreign country swims on the surface of society; in contact, perhaps, with its worthless scum, as well as with its cream; and is not justified in drawing sweeping conclusions upon the moral character and condition of a whole people from what he may meet with in his own little circle of observation. I would not venture to state this fact (meaning the comparatively low state of morality in Sweden) upon any grounds less conclusive than the following.

"According to the official returns published in the Swedish State Gazette in March, 1837, the number of persons prosecuted for criminal offences before all the Swedish courts, in the year 1835, was 26,275; of whom 21,262 were convicted, 4915 acquitted, and 98 remained under examination. In 1836 the total population of Sweden was 2,983,144 individuals. In this year, therefore, 1 person of every 114 of the whole nation had been accused; and 1 in every 140 persons convicted of some criminal offence. By the same official returns, it appears, that in the five years from 1830 to 1834 inclusive, 1 person in every 49 of the inhabitants of the towns, and 1 in 176 of the rural population, had, on an average, been punished each year for criminal offences. In 1836, the number of persons tried for criminal offences in all the courts of the kingdom, was 26,925; of whom 22,292 were condemned, 3688 acquitted, and 945 under trial or committal. The criminal lists of this year are stated to be unusually light, yet they give a result of one person in every 112½ of the whole population accused, and one in every 134 convicted of some criminal offence; and taking the population of the towns and the rural population separately, one person in every 46 individuals of the former, and one in every 174 individuals of the latter, have been convicted within the year 1836 for criminal offences. There is no rebellion in the land, nor resistance to obnoxious laws, as in Ireland to the tithe laws; nor are artificial offences created to any great extent by iniquitous legislation, as with us by the game laws and excise laws. These are all offences involving moral delinquency greater than the simple flagrant, of a regulation or conventional law of the state."—*Pages 108—1 and* *chapters inter-*

Mr. Laing then goes into a detailed statement of the above, of the state of crime in other countries. In order to afford facility of comparison, we have chosen to throw the above into two columns. The tabular form, by which they are brought under the reader's eye, connects the two ex-

Statement of the proportion which the number of persons accused or committed for trial, and convicted of criminal offences, bears to the whole population in the countries designated :

Country.	Accused.	Convicted.
Sweden	1 in 112½	1 in 134
Norway	1 in 457	1 in 662*
Denmark	1 in 678	1 in 943
England	1 in 707	1 in 1005
Ireland	1 in 371½	1 in 557
Scotland	1 in 509	1 in 1099
London		1 in 540
Swedish Towns..		1 in 46

Speaking not of proportions, but of the absolute numbers, Mr. Laing says,

" Thus in the nearly 14,000,000 of the population of England and Wales, there were 7278 fewer committals, and 8462 fewer convictions, in the year 1831, than in the scarcely 3,000,000 of the Swedish nation in the year 1836, stated to be a year considerably more free from crime than any of the five preceding it."—Page 111.

So much for the state of crime. Turn we now to the state of morals in one essential particular. The proportion which the illegitimate births bear to the legitimate, indicates that the moral condition of the Swedes is miserably low. In Stockholm, statistical returns establish that, of the children born, more than one-third, or 1 in 2⅔, are illegitimate. " In no Christian community," says Mr. Laing, " is there a state of female morals approaching to this." What, indeed, should we think, if, out of every seven persons we passed in our streets, three were illegitimate? In London, however, the proportion is only 1 in 38; in Paris it is said to be 1 in 5; and in all France, 1 in 74.

Mr. Laing then gives many striking instances of a low state of moral feeling among the town population of Sweden, and thus proceeds :

" The main cause I conceive to be a radical defect in the construction

* This included many conventional offences; the really criminal offences were only 1 in 1402; a smaller proportion of crime than in England, in nearly the proportion of 2 to 3.

of society in this country. The weight of public opinion upon the side of morality, and acting as a check upon private conduct, is lost in it by the too great proportion and preponderance in the social body of privileged classes—of persons whose living, well-being, distinction, social influence, or other objects of human desire, are attained by other means than public estimation gained by moral worth. The privileged classes in this community are not merely the hereditary aristocracy, the military, and members of the learned professions; but the tailor, the shoemaker, the smith, the joiner, the merchant, the shop-keeper; in short, every man exercising any craft, trade, branch of industry, or means of living—that is to say, the whole of the upper and middle classes, down to the mere labourer in husbandry—belong to a privileged or licensed class or corporation, of which every member is by law entitled to be secured and protected, within his own locality, from such competition or interference of others in the same calling as would injure his means of living. It is, consequently, not as with us, upon his industry, ability, character, and moral worth, that the employment and daily bread of the tradesman, and the social influence and consideration of the individual, in every rank, even the highest, almost entirely depends; it is here in the middle and lower classes, upon corporate rights and privileges, or upon licence obtained from government; and in the higher upon birth, and court or government favour. * * * The placing of a man's livelihood, prosperity, and social consideration in his station, upon other grounds than upon his own industry and moral worth, is a demoralizing evil in the very structure of Swedish society. * * * We have escaped this modern disease of society; and public estimation, founded on moral worth and industry, can alone confer any weight, honour, or advantage on individuals in the ordinary stations of life in our social structure."—*Pages 117—121.*

To the demoralizing effect of a diseased state of public opinion, which esteems what ought to be despised, and contemns that which is alone calculated to elevate the moral character, Mr. Laing adds the influence of the example of a dissolute court amidst a poor and idle population.

"The Swedes," he continues, "laboured to be lively, and attained the distinction of being called the French of the North. This spirit of imitation outdid what it copied in the worst points; and was not confined to the court circles or the higher classes; but as these became impoverished, and reduced in means to the level of the middle class, it was carried downwards into those orders of the community, in whom frivolity, gaming, profligacy, inordinate passion for amusement, false estimate of human action and character, are not to be called weaknesses or foibles only, but are vices interfering with moral duties."—*Page 122.*

It thus appears that in Sweden society is divided into two classes—the privileged and the unprivileged. Not only is there no intermediate or middle class to connect the two ex-

tremes—a class which supplies all that is valuable in the constituent elements of society; but the two extremes are so remote from each other, that there is no sympathy between them. With an upper class so utterly devoid of political principle as that of Sweden has invariably shown itself, so destitute of public spirit, and even of an ordinary sense of justice, the feature which Mr. Laing points out as characterizing the national character is not surprising. The Swedes, in point of fact, stand at the very bottom of the scale of European morality.

Another effect of this marked division of the people into two classes—the privileged and the unprivileged—is the utter ignorance of the condition of the masses which the wealthier portion of the privileged class betrays.

"The educated Swedish gentleman," says Mr. Laing, "appears to me so far removed by station and conventional distinction from the man of the lower class, that the condition of the latter is scarcely better known to him than to a foreigner. * * * The Swedish educated class appears also very susceptible of the fashionable opinions of the day in the rest of Europe, and fond of applying them to Sweden, as a part of Europe, without consideration of social or physical differences. There is a fashion of the day, we all know, in general opinions as in clothes. The ignorance and inebriety of the lower classes are the two topics which in other countries engage at this day the attention of all enlightened people. The Swedish gentry adopt the fashionable subjects—without considering that infant schools and temperance societies, however useful in a dense manufacturing population like that of Britain, are inapplicable in a thinly-peopled country, in which infants would have to be carried a day's journey to make up a number for a school; and people could not meet to be sober without a vexatious loss of time, and a fatigue which would almost excuse their getting drunk. I venture to place to this account a good deal of the attributed drunkenness of the Swedish people, and believe them to be in this respect not worse than their neighbours*."—*Page 135—6.*

The ignorance of the upper classes, touching the habits of the industrious classes generally, must necessarily be conspicuous in all countries, though perhaps less so where there is a widely-extending and minutely-graduated middle class insensibly melting into the two extremes. Even in this country such ignorance prevails to a considerable extent. The upper classes talk, and form opinions of the lower, without

* "The females are not, even in the lowest class, addicted in the slightest degree to the use of spirits."—*Page 140.*

sufficient data, or knowing in reality their condition. The "drunken" committee, as it was nicknamed, was evidence of this. Mr. Buckingham's motion itself was a deliberate insult on the working classes; but the evidence defeated the object of the mover, by showing that the drunken class and the working class are distinct; that the outcasts of society form a class by themselves; and that, among the working classes, a drunkard is as marked a man as among gentlemen. Besides this separation of drunkards from the rest of the community, there must be a great decrease of the sum of drunkenness; for whilst the population is increasing from year to year, the consumption of spirits has of late years rather decreased, in spite of the splendour of the modern gin-palace, which, by the way, merely shows that the business of the publican is following the course of all other trades, and falling into capitalists' hands. The gin-palace keepers are merely the traders on a large scale—the Swan and Edgars of their trade. Knowing such to be the ignorance of the wealthy of this country respecting the moral habits of the people, we are always prepared to receive with especial caution what we hear respecting the habits of the working classes of other countries;—a point on which Mr. Laing entirely agrees with us.

The manners of all classes of the Swedish people are, however, superior to their morals.

"Whatever may be the want of morals in this country," says Mr. Laing, "there is no want of manners. You see no blackguardism, no brutality, no revolting behaviour. You may travel through the country, and come to the conclusion that the people are among the most virtuous in Europe; and it is only when you examine the official records of their criminal courts, and compare these with the amount of similar crimes during the same period in other countries, that you are obliged to come reluctantly to another conclusion. In Stockholm, the extraordinary proportion of illegitimate births places beyond all question the want of chastity of its female population; yet in walking through the streets I never see an immodest or even suspicious look or gesture, even among the lowest class of the people. For propriety of dress and demeanour the town might be peopled by vestals, yet one-third of the infants are bastards. I confess I do not like this, either in a people or in an individual. I prefer a little open Irish blackguardism. The man is much nearer to virtue who appears worse than he is, than the man who appears better."—*Pages 133, 134.*

With these concluding observations we differ. Vice is assuredly revolting in any shape; but it appears to us to be of-

fensive in the ratio of its conspicuousness. The mere attempt to throw a veil over vice seems to indicate some latent particle of moral feeling; to show, in fact, that self-respect—that sense of shame, is not wholly extinguished. Unless Mr. Laing can discover that the Swede's politeness is in some way or other to be ranked among the causes of his immorality, his opinion is untenable; and this he does not pretend to show. It follows that he has here written hastily.

It is not among the wealthier classes of the towns alone that superior politeness prevails; witness the following extract.

"It is very characteristic of the two nations in this peninsula, that if you pay the Norwegian boy a little more than he expects, he hawls out, *Tak! Tak!* (thanks, thanks,) like the clapping together of two deal boards; seizes your hand, and gives it a squeeze and hearty shake, which makes your bones ache: the Swedish boy sighs out his *Tak odmydligt* (thanks most humbly), kisses the back of your hand, and retires, making his obeisance with a grace which many a country gentleman at Queen Victoria's court might envy. In Norway, if you give a penny to a child, or alms to a beggar, you can scarcely get off without a shake of the hand; the more polished Swede kisses your sleeve or the skirt of your coat."—Page 208.

The poverty of a portion of the people of Sweden is great, but,

"when we compare the state of the poor however in two countries, even in England and Scotland, we must recollect the great difference in the standard of living—poverty in the one country would be luxury in the other. A gentleman of great statistical information, whose acquaintance I had the pleasure of making a few days ago, made the striking observation in our conversation on this subject, that the convict and the pauper in England live better than half of all the Swedish nation. Our standard of living is higher. What is really poverty and punishment in England, because it is privation of what is held to be necessaries of life, is not so where the ideas and usages of living never reached to such necessities. Poverty may consequently be the effect of a generally unimproving condition of the nation, which many cannot reach, and therefore are poor; as well as of a generally deteriorating condition. Between what is poverty in England, and absolute destitution, there are many steps. Poverty here in Sweden means absolute destitution of food, fuel, clothing, or means to procure them for the sustenance of life, on the very rudest material."—Page 150.

Apropos of "rude material:"—a poor man in the neighbourhood of Degerfors, about five years since, discovered an earth which had very much the appearance of meal. The people at that time being in a state of privation, and living

upon bark bread—of which more anon—the discoverer took some home, mixed it with rye-meal, baked it into bread, and found it palatable. Hereupon there was a general run upon this mineral meal, and some of it found its way to Stockholm. On analysis, it was found to contain flint and felspar, finely pulverized with lime, clay, oxide of iron, and some organic substance resembling animal matter, and yielding ammonium and an oil. The people were either advised or ordered not to use it; but as those who had tried it both in soup and bread, were not the worse for it, it continued, and probably continues, to be used. Another “rude material” is bark bread.

“Bark bread,” says Mr. Laing, “is at present in general use in all this part of the country. The new settlers have no other meal, and bake it very thick, that it may hold together. It is acrid, dry; yet, covered with plenty of butter, it is eatable. The older settlers have at present rye meal to mix with it, half and half, and bake this mixture as thin as our oat-cakes. This is so far from being uneatable, that prudent housekeepers in good circumstances use it to save their seed-corn, even when grain is not dear; and the ruddy cheeks of the country girls prove that it is no unwholesome food, qualified no doubt, as it is, with plenty of butter and milk, and hard work.” —*Page 153.*

There is one thing certain, that in all countries or sections of countries, where any peculiar kind of food of low quality is eaten, the upper classes will at times affect to consume it as a national or provincial food, and will discourse concerning it as though it were a perennial source of health and virtue. The Yorkshire oat-cake, for instance, is so unpleasant to a southern palate, that, on tasting it, the first impulse is to spit it out; yet it is introduced at the tables of the wealthy, because it is the ancient food of Yorkshire. Almost every locality has, in short, some nasty thing which the rich affect to exalt into a duty, by now and then tasting it:—a skilful expedient to render the poor contented with it. But if, as both Mr. Laing's works help to show, it is bad for a people to be content with a low standard of living, the rich ought to discourage the use of such provincial or national articles of consumption. It is clear that Mr. Laing does not relish the bark bread, on which he is disposed to be jocose, his remark reminding us of Sam Weller's observation on chalybeate waters, —that they taste strong of flat-irons. “The half and half (rye

"and bark) bread," says Mr. Laing, "tastes strongly of timber, and gets as hard as a board when kept long."

The politico-æconomical arrangements of Sweden are in the highest degree prejudicial to the freedom of industry and the security of property; and therefore tend to promote the poverty of the great mass of the people; and yet the plea for their unwise regulations is, "the protection of labour." Every trade is a species of guild or fraternity; and "the exercise of industry is a property as well as its produce." To exercise any trade there must be an apprenticeship, and a long period of probation as a journeyman; and even in this status there are degrees, all of which must be passed through before a man can become a master.

"Every trade or branch of industry that can be thought of, excepting, perhaps, common labour in husbandry, is exercised by privilege; and, as the tradesman pays a tax to government for his privilege or right to exercise his trade, he is entitled to protection from law—like any other proprietor—against whatever would diminish its value, and injure his means of living and paying his tax—that is, against free competition. The public, on the other hand, must have protection from the monopoly which this want of competition would establish. Government attempts to hold the balance, to correct, through its colleges of commerce, and on the reports of its local functionaries, the tendency to monopoly in these institutions, and to judge whether in any particular locality there be, from the additional population, room for an additional tradesman or dealer, with advantage to the public."—p. 81.

Mr. Laing sees all the evil which is calculated to spring from such a system; but he is of opinion that it has a tendency to check the undue increase of population, by throwing impediments in the way of early marriages. From voluntary regulations made by bodies of working men themselves, we believe such a result might follow. In this country, wages have been raised in many trades by well-ordered combinations among the working men. In London especially, nearly every skilled trade has so succeeded. But experience in this country shows that guilds (such, for instance, as the City companies) have not produced similar effects. The difference between a voluntary combination and one sanctioned by a government, we take to be this: that the former presupposes a considerable degree of prudence among the people who so combine; whilst the guild not only presumes none, but its tendency is to prevent prudence—to destroy self-reliance. Now prudence in

one respect is prudence in all. It will invariably be found where a working man begins to save even the merest trifle from his weekly earnings, that he has become a prudent man. The mere desire to save indicates a state of mind which rarely (we think never) exists without general prudence; and this is the reason why occasional combinations have appeared to produce such extraordinary results,—results which apparently run counter to some well-established doctrines of political œconomy; whereas, in fact, properly considered and estimated, they rather confirm such doctrines. In short, we repeat, that a government combination—such as the fraternities or guilds of Sweden and other countries—never can be productive of such effects as the voluntary combinations, of which we have every day experience in this country; and the reason is, that voluntary combinations are never undertaken but by intelligent and prudent men; whilst guilds, by dispensing with prudence and forethought, rob all prudence of its real value, and reduce all to the same miserable level.

The pernicious results of these guilds are detailed by Mr. Laing in his third chapter, but his statements are far too long to quote at length. It is part of the system of these guilds, that every artisan should have a sort of roving licence to seek work from town to town; and when such artisan cannot secure work, he is supported out of the “box of his trade.” Thus, whilst they ought to be acquiring skill, they are merely acquiring the habits of vagabonds.

“It is not even upon dexterity,” says Mr. Laing, “but upon his privilege, that the workman depends—upon his right to exclude a better workman and a better man from enjoying any portion of public favour in the exercise of the same trade, where the competition could be injurious to his means of living. The consequences of this want of free competition are visible in the most simple and necessary trades—those in which national labour and consequently national industry and wealth are most concerned. Smith-work, joiner-work, work in leather, in cloth—in short, all kinds of work are very imperfectly executed compared to the work of English tradesmen in the same line; are never ready at the time proposed; and are performed with great waste of time and labour. To plane a board, for instance, is the work of two men, one shoving the plane from him, the other drawing it to him. With us one man planes the roughest board, and reduces it to a smooth surface. To cross-cut a piece of wood of 18 or 20 inches in diameter, is done with us with a hand-saw by one man, who holds the wood fast with his left hand, or with his knee. Here it is a job for two men with

a two-handled saw, and often a third is attending to hold the piece of wood steady. In national economy these are no trifles. A waste of time and labour in the daily work of a nation is important."—*Pages 87, 88.*

A case of actual occurrence is given by Mr. Laing, as reported in a Danish newspaper, strikingly illustrating the effect of the guild system upon national industry:—

"A person had ordered a still to be made by a coppersmith, on some particular plan. The brass cocks and fittings had of course to be cast and adjusted to the machine, as one of the most essential of its parts. But a coppersmith is not entitled to cast metal; that belongs to the corporation of girdlers (the girdle is a flat plate of cast-iron for baking oat-cakes upon), and the coppersmith was prosecuted for unlawfully exercising a trade belonging to another class of tradesmen. It was in vain that he urged the necessity of a workman completing within his own workshop all the parts of a machine, proportioning their dimensions to each other, and fitting them so as to work together:—it was a breach of the corporation law, and he was fined. In Sweden, from its isolated position, and political division into classes, this system is in considerable vigour. With us, everything is lawful that law does not prohibit; here, the maxim seems to be, that nothing is lawful but what law permits. Where law is silent, special permission from government is held to be necessary even to exercise any of the numerous branches of industry which have come into existence since the simpler trades were incorporated."—*Page 89.*

In our review of Mr. Laing's book on Norway, we were at some pains to give the reader a clear and connected view of the Norwegian constitution, especially as far as the legislative and judicial departments were concerned. This we were well able to accomplish from the copious data scattered throughout the work; so that the sum of our labour consisted in collecting, arranging, and abridging the author's ample materials. We should have been well pleased to have given a similar outline of the constitution of Sweden, but we find Mr. Laing's data too vague and scanty to allow us to do so in a manner at all satisfactory.

A country in which the government does all things, and in which, consequently, individual energy is paralysed; where industry is under that species of blighting restraint called *protection*; where taxation is heavy and arbitrary; and where forced contributions of labour, somewhat similar to the old French *corvées*, are required of the people; where, in short, the people are trained, as Mr. Laing observes, "to consider nothing their own but what is left to them by the clergy and

"government, to whom, in the first place, their labour, time and property must belong;"—such a community "wants the very foundation upon which civil liberty must stand—a sense of independence and property."

"It is almost ridiculous," continues Mr. Laing, "to hear of the constitutional rights and liberties of a people whose time, labour, and property are not their own, in the sense in which these are enjoyed by free people; but are at the disposal and for the benefit of classes, corporations, and public functionaries. The constitution and civil rights of the nation, mean here the right of corporate bodies to meet in a legislative assembly, without reference to the mass of the community on whom they prey."—*Pages 274-5.*

The Swedish diet consists of four distinct bodies—the nobles, the clergy, the burgesses and the peasants; and they meet in four separate chambers. Every measure has to pass through each chamber and its committees separately, and is adopted or rejected by the plurality of the chambers. If the lower chambers were freely elected by a large body of independent and intelligent men, the constitution of Sweden could not work with the upper chambers, having interests so completely opposed to the interests of the masses: but the several chambers *do* harmonize, and for the very simple reason, that the houses of the burgesses and peasants are elected by a narrow constituency, with a high electoral qualification,—that is, the occupation of a large quantity of land or the enjoyment of a privilege.

For further details we must refer the reader to the work: we shall therefore merely add here, that the qualification in question excludes all that would be valuable in a constituent body. It excludes

—"all persons of condition who, as burgesses, have acquired fortunes in trade or business of any kind in the towns, and have retired to the country. It excludes all who, being allied to noble families, have acquired property in office or public service, as these are considered to be represented in the Chamber of Nobles. * * * By this constitution, all educated persons, unless they belong to one or other of the privileged classes—the clerical or the noble—are excluded from the legislative body. Berzelius could neither elect nor be elected, until he was raised to the class of nobility, which qualified him for his seat in the diet."—*Page 285-6.*

* * * * *

"The clergy elect their members by consistories, and the bishops have *ex-officio* a seat and voice in their chamber. Although the clergy generally depend upon court favour for appointments and provision for their fami-

lies, they are the most enlightened and most independent of the four chambers of the diet."

The principle on which the chambers of the nobles is constituted, is this:

"The stem of each noble family—the head of it—or, reducing the idea to what is familiar to us, the chief of the clan, represents the whole, who are noble by derivation from his stock, by hereditary right, without election or reference to them."—Page 287.

This, in fact, only differs from ours inasmuch as the *junior* Lord Johns and Lord Thomas's are not deemed noble: though Mr. Laing calls it "a system which is representative without being elective," we should hardly be disposed to call this system representative,—a term which, according to our notions, involves the idea of election.

Of the administration of justice Mr. Laing says,

"The machinery for administering the laws of a country is of as much importance as that for making them: it deserves the traveller's notice, because it is of every-day influence in the business of the people. In Sweden this machinery is superior to our own: there are 264 courts of first instance, called *hereds'* courts, with a judge or *hered-hovding* to preside in the court; and the country is divided into *hereds* or districts, equivalent in judicial affairs to parishes in ecclesiastical. The courts sit three times a year. Twelve peasants are elected by the peasants of the *hered*, to serve as a jury for two years; and in this election of *nammilsman*, as they are called, every peasant has an equal vote, be his property or share of a *hemman* of land great or small."—Page 294.

The access to these courts is easy, cheap and satisfactory to the suitors. The cases tried before these courts of "first instance," or original jurisdiction, amounted in 1836 to 71,312, or about 270 to each court; besides which there were 9288 in the "town courts," and 403 in the "college courts."

As in Norway, there are courts of appellate jurisdiction, intermediate and final. The former are called the layman's courts, and answer to the *Sorenscrivers* courts of Norway; and the latter, the *Hof* courts, of which there are three answering to the *hoiste ret* court of Norway; the *Hof* court alone having criminal jurisdiction.

It should seem that the lower courts of Sweden perform their business well, as out of 81,003 causes tried before the inferior courts, only 6090 were appealed. Sweden has not imitated Norway and Denmark in their courts of mutual

agreement; a circumstance to be greatly regretted, since private arbitration is often resorted to—a course open to strong objection, as experience in this country teaches us.

The general policy of his majesty Carl Johann demands a few words. Mr. Laing characterizes it as decidedly *anti-liberal*, and the instances he cites support his view.

"The character of his reign," says Mr. Laing, "has been to oppose the spirit of the age; to govern by an aristocracy, upon the ultra-legitimate principles of kingly government; to extinguish in his Norwegian dominions the constitutional rights of the people in their legislation; to put down free institutions; discountenance and set aside men holding liberal opinions, and fetter the liberty of the press. It will be considered among the singular inconsistencies of this age by its future historians, that two sovereigns, who hold their crowns without any pretence to hereditary right, but simply by the call of the people,—Louis Philippe and Carl Johann,—are the two who most anxiously suppress popular rights and the free expression of public opinion."—Page 397.

One of Carl Johann's more than follies is his ineffectual crusade against the press, against which crusade a paper called the *Aftonblad* has admirably sustained itself. Suppressed today as the *Twenty-third Aftonblad*, it reappears tomorrow as the *Twenty-fourth Aftonblad*; which satisfies the administrators of the law in Sweden that it is another and distinct publication. On the subject of the press, Mr. Laing's details are ample and judicious.

Another instance of the king's folly should be mentioned. It is a custom, on the dissolution of the diet, to give a dinner to the members. A M. Petre had rendered himself obnoxious by his opposition to the measures of the government, and when he, with the rest of the deputies of his chamber, repaired to the palace, he was turned back. All who had not entered turned back with him; and his absence from the royal table was a distinction which effectually turned the popular eye towards him.—"Sed præfulgebant Cassius atque Brutus, eo ipso, quod effigies eorum non visebantur."*

The Swedes, who are particularly alive to a breach of courtesy, resented this unmannerly affront.

"Fêtes were given," says Mr. Laing, "and addresses presented to M. Petre by the towns through which he passed, and by that which he represented. This unwise indication of private spleen and personal feeling

* Tacitus, Ann., lib. iii.

against public men, opposing fairly and not factiously the administration of the day, shook to its foundation the popularity of his majesty with the middle class. It placed the sovereign in personal variance with individuals, and in comparison of talent individually; which is a false position for majesty to descend to."

In the course of Mr. Laing's books are many interesting disquisitions, antiquarian, historical, philological and geological, into which we have not space to enter at any length. A singular blunder, the parent of a popular error, however, deserves to be briefly referred to. The languages of Sweden and Norway, both of Teutonic origin, differ from each other. The Norwegian is spoken in Denmark and Norway, and the Swedish in Sweden; but the higher circles of the latter country have adopted the French. At the head of the Gulph of Bothnia the Swedish language is met by the Quens or Fin language, which is of Slavonic, not Teutonic origin. The Fins appear to be the Fenni of Tacitus*.

"A curious mistake about the name of this race, called Quens, has probably given rise to the fables of a land of Amazons in the north. Adam of Bremen, describing Scandinavia in the ninth century, says, 'Gothi habitant usque ad Birram postea longis terrarum spatiis regnant Suones usque ad terram feminarum.' In the old northern language, *Quin* signifies a woman; and is a word still in daily use in Norway. We retain in English, from the same root, the name given to the two extreme ranks of the female sex, Queen and Quean. Adam of Bremen says he derived his information from the mouth of the Danish king Swen Ulfson—'Magnam materiem hujus libelli ex ejus ore collegi'—who had made many inroads into Sweden; and Adam, or his amanuensis, in writing from his words, has mistaken Quenornes' land, the country of the Quens, for Quinornes' land, the country of women, and translated it 'terra feminarum'."—Page 47.

There is good reason to believe that Sweden is at this moment one of the widest fields of European intrigue. On that subject Mr. Laing does not touch; neither do we feel it necessary to introduce the matter at the end of an article. If treated at all, it should be discussed at length. We therefore take leave of the present volume, but we hope not of the author. The profit and pleasure we have derived from his works induces us to hope that other countries will yet come under his observation.

* Germania, xlv.

ARTICLE II.

Vertheidigung des Staatsgrundgesetzes des Königreichs Hannover (Defence of the Constitution of Hanover of 1833).
F. FROMA. 8vo. Jena: 1838.

OUR German neighbours are a thinking and reasoning people. They possess not only English tenacity in clinging to rights which are undisputedly theirs, but they show a moderation peculiarly their own in canvassing the rights of their opponents, and are, perhaps, the only people in the world whom it would be possible by arguing to bring to a confession of their being in the wrong. It is peculiarly unfortunate that this disposition, from which, were it but oftener met with, so much advantage might be derived for society, occasions those who possess it to be too often looked down upon by the turbulent and superficial. This has been particularly the fate of the Germans in the unceasing struggle which they have, since 1815, carried on for the acquisition of popular rights.

The work whose title stands at the head of our article, in an unusually succinct and clear demonstration of the general and territorial laws of Germany, as they bear upon the dispute between the king of Hanover and his subjects, displays this characteristic moderation in a degree, perhaps, never yet met with in political polemics. There are, no doubt, many of our readers who think that such an open violation of all ties which common prudence dictates as binding between a prince and his subjects, as is contained in king Ernest's decree of July 1837, ought to be met by more energetic measures than good reasoning; yet, it will by all be acknowledged as a triumph of no mean importance, that a writer, assuming the argument and premises of his antagonist, should achieve a complete refutation of all his conclusions, and should beat his enemy with the arms and upon the ground which the latter had chosen in full confidence of success.

If we could feel dissatisfied with the writer, it would be for his having given up too much debatable ground, and conceded more than is right in his consciousness of superiority; as for instance, where he acknowledges the right of the sovereign to grant a constitution to his subjects, and limits their

powers to acceptance, or to the right of petitioning for modifications of the regal decrees (*p.* 53); as well as when he declares the characteristic distinction of the sovereignty in *all* German states to be monarchy, in a somewhat extended sense of the word. In short, he abandons, in the first instance, all the advantage he might have drawn from the general wording of the 13th art. of the act of the congress of Vienna, as well as from the interpretation of that article by high authorities, and goes back to the individual histories of the several states of which the kingdom of Hanover is composed, in order to show from their uniform course, that neither in the principalities constituting the oldest possessions of the electoral house, nor in East Friesland, but, least of all, in the bishopricks of Hildesheim, Bremen, or Osnabrück, could any precedent be found of a prince refusing to sanction the legislative enactments of his predecessor. He examines in a perspicacious manner the right of the "Landstände" in 1819, to a participation in the legislative functions, and proves, in the most satisfactory manner, their proceedings to have been legal both as to form and principle. Proceeding then to the constitution of 1833, he shows that, with all its faults, it was essentially *German* and *Hanoverian*; that it was in accordance with all past and existing stipulations; and that it satisfied, if not the wishes of the people, at least all just claims of the electoral house, as well as those of the diet at Frankfort; that it was, in short, a natural development of the old institutions of the country, in which only too much that was antiquated in its administration had been spared by the improving spirit of the age. He then investigates the constitution on its own merits, as viewed from the royalist side of the question, and shows that the pecuniary interests of the reigning house were more liberally provided for, and more surely established, than had ever been the case before; the king's civil list having been estimated at a sum exceeding the extravagant demands of George IV., and amounting to nearly three times the revenue drawn by George III. from his German dominions. And this increase of the royal income was granted when the deficiency in the revenue of the country was scarcely met by the augmentation of the indirect taxes, decreed in 1825.

After the Seven Years' War the revenues of Hanover rose

to 961,460 dollars; in 1800 they were 1,444,457 dollars, and the personal expenses of the sovereign amounted to 228,282 dollars. In 1829-30 the civil list of George IV. was 525,000 dollars. The constitution of 1833 fixes the civil list at 618,000 dollars, to be secured on landed property; being more than one-twelfth of the whole revenue of 7,000,000 dollars.

This work contains undeniably the best exposition of the true state of the question between king Ernest and his subjects that has as yet appeared; but it does not give the reason of that prince's over-hasty and inconsiderate violence. The constitution of 1833, although containing many improvements, and laying a foundation for others, was, as is well known, far from satisfying the Hanoverians in the mangled state in which William IV. consented to sanction it. However, as the age of that monarch made it not improbable that a protracted dispute on so important a point might be entailed upon his successor, and as none knew that successor's character better than the Hanoverians, among whom he had often resided, it was considered wiser to leave no door open for dispute, and to accept of the curtailed rights as offered by William IV. rather than trust to the tender mercies of Ernest. As this argument was avowed by many to be the sole inducement to accept the offered constitution, it was, perhaps, natural that the duke of Cumberland should at the time mentally resolve that it should afford the nation no protection. That king Ernest should endeavour to enforce this resolution, is matter of no great wonder.

But that the Hanoverians, who, by an unanimous expression of public feeling in 1831, which bordered on an armed resistance, compelled the late king to give ear to their complaints, should now truckle down in peaceful submission to a very different species of oppression, must appear strange to all who are not versed in the labyrinths of German politics. The clue to this apparently inconsistent conduct is given us in the decisions of the German diet on the complaints preferred to it last year by the town of Osnabrück, but which may with more propriety be termed *evasions* of the question than *decisions*. A third vote was passed in August last to the same effect.

We attach to these decisions the greatest possible weight

at the present moment. The first and third related to the competency of the diet to entertain the complaint, and in the first, Prussia and Austria with their adherents were outvoted; the consequences of a declaration that the diet could not interfere in a case of dispute between a sovereign and his subjects, appearing too hazardous to the majority of the states. The third and most recent decision has been declarative of the incompetency of the diet to decide on points of domestic policy "*in the present state of the federal union.*" Can Austria and Prussia have voted in a contrary sense with the sincere intention of letting the king of Hanover arrange the matter unaided with his subjects? We are saved the necessity of replying to this question by the avowed interest which the Prussian monarch has taken in the question, by the public expression of the opinion entertained by his ministers, and by the orders of knighthood with which that sovereign has decorated the Hanoverian minister Von Schele, as a reward for his meritorious exertions in undermining the constitution. There can be no doubt that the decision on this part of the question was only intended to pave the way for a more unfettered intervention in the affairs of Hanover, when the Prussian monarch should deem the opportunity ripe for seizure; and such policy can alone explain why Prussia wished that the Hanoverian question should be treated exceptionally, and as not coming under the jurisdiction of the diet. The vote given by Austria was in conformity with the usual policy of that court, which cannot easily allow of an assumption of independence of the diet.

The united efforts of the agents of these two courts, stimulated by this unexpected defeat, procured a small majority in their favour on the second decision, by which the complaint of the citizens of Osnabrück was rejected, on the ground of their not being qualified to prefer such complaint before the diet.

We will not here enter into the question of the competency of a constituency to resume the functions which they had entrusted to representatives, as soon as those representatives, by the dismissal of the Hanoverian chambers, were dispossessed of their authority. We shall confine ourselves to pointing out the part which the Prussian government has evinced a

desire to play in this affair, and here only express our hope that the Hanoverians may be allowed to derive every advantage which can be drawn from the turn it has taken.

In opposition to the anxious display of sympathy which the king of Prussia has deemed proper to hold out for the encouragement of the violent proceedings of the Hanoverian government, we have the recorded and unanimous opinion of the people of Germany in every state in which they had an organ for expressing their wishes. Since July 1837, the legislative bodies in nearly all the smaller states have been assembled, and not one has omitted to express abhorrence of the proceedings of the Hanoverian government, and the warmest sympathy with the people of that country. At Dresden, Munich, Carlshruhe, Stuttgardt and Brunswick, addresses were voted by large majorities of the second chamber, expressing the confident hope of those houses, that their respective governments would use every exertion in support of the Hanoverian constitution. In Cassel, a motion to the same effect was dropped, after the president had assured the chamber that the government would do its duty, because matters of delicate negotiation were pending between the chambers and the court, and it was thought better to mix no extraneous matter up with them. The outrageous violation of every compact upon which harmony between a king and his people can be founded, by the king of Hanover's decree, seemed to rouse the lethargic spirit of freedom in every constitutional state. And yet was the Prussian cabinet fearless enough to disregard these intelligible symptoms of awakening energy in an enlightened mass of the people—a mass not inferior in number, and far superior in resources, as we shall presently see, to the entire population of Prussia, even supposing that she could calculate upon the cordial co-operation of all classes of her inhabitants.

We can readily conceive how the constant glitter and parade of military armament, may, after a time, produce a conviction in the minds of its beholders, that an array of the best organized troops, such as Prussia has at her disposal, must be invincible. But, as a portentous series of events, of much too recent occurrence to be forgotten, placed the importance of the co-operation of public feeling to the success of warlike

undertakings in the strongest possible light, we shall be permitted to inquire, What the Prussian government of late years has done to secure the attachment of the people of that country? what brilliant measures of state policy have emanated from the Prussian cabinet, on the successful issue of which they found their claim to step forward as arbiters of the rights of neighbouring states? In making this inquiry we shall confine ourselves to the events of the last two years, and shall be careful to let German authorities everywhere speak for themselves.

The observation which struck us the most forcibly, in perusing the published debates on the Hanoverian dispute, in the German legislative bodies, is one of an influential member of the second chamber at Stuttgardt, who declared in that assembly that the arrest and forcible abduction of the archbishop of Cologne was an occurrence of greater importance, and of a more ominous nature for the liberties of Germany, than the annulling of the constitution of Hanover. To all those who have had to deal much with the intelligent classes of Germans this remark speaks volumes. The decrees of the king of Hanover are looked upon as the ravings of a man accustomed all his life to the indulgence of violent passions. By the publication of his edicts he disappointed no hopes which his former course of life had raised. On the contrary, he only fulfilled the expectations of all who knew him, but especially of those who knew that his first burst of fury would fall upon a charter which the people had extorted as a shield against his tyranny.

But the Prussians and the Germans at large who looked to Prussia as the leading power of Germany, which, on emergencies, was to give the tone to, or perhaps even in time to absorb, the other less efficient sovereignties of that nation, had resigned themselves for nearly twenty years to the delusive hope, that, notwithstanding the despotic form of the Prussian government, its ruler sincerely wished the welfare of the land and the improvement of the material no less than of the moral condition of its citizens. As in no country the dependence of the former upon the latter species of progress is better understood than in Germany, the attention of the people was wholly engrossed by the measures so long successively pur-

sued by the government to create a powerful nation out of very discordant elements. Under the enlightened exertions of a succession of distinguished men, from 1808 to 1830, Prussia had seen her population doubled, the financial credit of the state raised, and industry encouraged by comparative freedom of trade; these advantages were accompanied, too, by the blessings of free discussion and sound institutions for education, which promised to ensure their duration; and the nation, therefore, willingly accepted them in the form of a gift from the sovereign, as it was more interested in the matter than in the manner of the acquisition. The change which was first remarked after the July revolution in France, but which in reality had been long secretly preparing, opened the eyes of the Prussians to the real character of their sovereign and of his more recent advisers. They saw their king, to whom fortune had offered so many opportunities of gaining the hearts of the Germans, who, in the course of a long reign, had so often been called upon to step forward as the guide and the protector of a powerful and enlightened nation, once more throw the boon, thus proffered perhaps for the last time, from him, and content himself with the part of an obsequious ally of a foreign power, in preference to that of the representative of German independence. The restraints to which the press was then subjected, and which now go so far as seriously to interfere with the liberty of even scientific discussion*; the influence attempted of late to be exercised on the universities; and the despotic authority arrogated by the sovereign over the churches of the various creeds within his dominions, were so many successive blows, under which the fabric of hope, to which the Germans had so long and so willingly clung, gradually gave way. The king of Hanover has thus not produced any greater measure of disgust and disappointment by his display of violence, than has followed the arbitrary breach of the privileges of the Rhenish provinces, by the illegal arrest of the archbishop of Cologne.

The provinces of the Rhine were left in possession of the grand boon of public trials by jury, which the French had

* We allude to the list of prohibited works in Prussia, which has grown to the size of an *Index*, and in which the works of Rotteck, Gervinus, and other authors of high repute in Germany are denounced.

introduced, when it was incorporated with the kingdom of Prussia. How deeply the enlightened classes feel the security which these institutions afford them, is shown by the earnestness with which the inhabitants of the Rhenish provinces, not only of Prussia, but also of Bavaria and Hesse, have ever clung to them. This attachment, too, is not, as many writers have endeavoured to show, a mere predilection for French forms and a desire to retain any outward sign which savours of democracy. The trial by jury never had a fair trial under Napoleon either in France or in any of its dependent kingdoms, and at that time could offer but little that was likely to captivate their affections. The arbitrary manner in which the lists of jurymen were constructed, and the thousand means of oppression which a state of war affords, precluded all hopes of a fair verdict when the French government showed any interest in the result of judicial proceedings. But, with the establishment of peace and a more tranquil domestic administration, public opinion regained its due ascendancy and operated as a salutary check on the officers of justice. We need only appeal to the evidence of a man who will not be accused of too great a leaning to democratic principles, we mean the late minister of Greece, Von Rudhardt, to show how well these institutions work where they are fairly treated, and what the opinion of intelligent men is respecting them in other parts of Germany.

Herr von Rudhardt, in his highly-interesting work on Bavaria, concludes his view of the administration of justice in that kingdom with the following remarks:—

“The form of judicial proceedings in the Rhenish circle is not altogether without its faults; among which we may reckon the overloading of the proceedings in civil cases with unnecessary forms; the pecuniary advantage drawn by the state from the fees; the overweening influence of the officers of the courts, who are often both unskilful and interested; the undefined nature of the secret inquisitory proceedings in criminal cases, with some other regulations. But the substance of the administration of justice, equality of all ranks before the law, the purification of the judicial office from all extraneous duties, the collegial form of the courts, publicity of proceedings, and the active part allotted to his fellow-citizens in matters where the citizen has most at stake, are the means of affording security both to persons and property.”

This is a spontaneous tribute to the excellence of these in-

stitutions, from a man whose whole life was spent in offices of justice and administration, in which the old German secret and inquisitorial forms prevailed. In what estimation, then, must not they stand with the inhabitants of the Rhenish provinces? And in the face of these privileges, solemnly if unwillingly guaranteed by the sovereign,—in a time of perfect tranquillity, the minister of clerical affairs in Prussia orders the primate of the country to be arrested by a military detachment, has him forcibly conveyed to a distant fortress without the sanction of the local magistracy (for there are magistrates at Cologne), and confines him there for months without demanding the sentence of any tribunal. We are no admirers of the religious tenets professed by the archbishop; but we fully agree with the speaker in the Stuttgardt chamber of deputies, whose opinion we cited above, that such a violation of the liberty of the subject in a civilized state, provided with tribunals of police and justice, is a scandalous outrage upon society, disgraceful to its authors, and full of ominous matter, threatening the repose and well-being of the state.

It must not, however, be supposed that the harsh proceedings adopted against the archbishop were an ebullition of religious zeal called forth by the attack made by that prelate on the Protestant cause. We should not be reluctant, however we lamented the violation of all forms of justice in this case, to allow full merit to the Prussian monarch's attachment to Protestantism, had he not himself taken sufficient pains to disavow the encomium.

His Prussian majesty labours, in common with other continental rulers, under a mania for originating measures for the good of his people, without allowing them a voice as to the necessity or the due extent of the proposed innovations. Of these the most extraordinary has, perhaps, been the amalgamation of Lutheranism and Calvinism in the new Prussian Protestant liturgy. The wish to unite the Lutheran and Calvinist churches seems to have been entertained by the king as far back as the year 1798, when a commission of three churchmen from each creed was appointed to consult and make proposals for its accomplishment. As nothing was ever heard of the result of their labours, it is probable that these learned divines could not agree upon any feasible plan. The

misfortunes which came over the court of Frederick William and the Prussian nation in 1807, and which drove that monarch to seek a temporary asylum at St. Petersburg, are said to have had a singular influence upon the project which he continued to entertain. He was delighted with the responses of the choir in the Greek ritual to the priest at the altar, and is said to have borrowed from these rites the plan of the new church service, which was drawn up at his command by some divines after the establishment of peace in 1815.

The Prussian Protestant clergy were, in the year 1822, formally summoned to relinquish all difference of religious tenets, and to unite in the formation of a new *evangelical* church. A recent writer on the statistics of the kingdom* gravely observes, that the two principal Protestant creeds agreed to an union respecting outward forms, on the expression of the king's wish to that effect, in an *order* from his cabinet, dated 19th February, 1822. On the authority of this and of other writers who openly support, or prudently evade canvassing, the present measures of the government, we should be justified in assuming, that all opposition to this wide stretch of royal prerogative had now ceased; and that nothing but a cheerful spirit of obedience animated the Prussians, who were thus favoured with a dictation from the throne in matters of faith. How surprising soever such a consummation must appear to all versed in the history of religious controversy, yet to those who know that, in the first instance, all the leading Prussian divines, with the eloquent and philosophical Schleiermacher at their head, formally protested against such a mode of legislation, it must appear still more extraordinary that the acquiescence in the royal will should be so general and unconditional. The Lutherans were, in this new *Agendum*, called upon to sacrifice to the Calvinist form of worship no less than the words used in offering the sacrament of the Lord's Supper: '*this is the body and blood of Christ*;' the Calvinist form, '*this represents the body*,' &c., being that adopted in the new ritual. Among a number of articles which candidates for the priesthood are required to swear to, the duties of a citizen towards the state, including the denunciation of traitorous designs

* Voigtel, Versuch einer Statistik des Preussischen Staates, 1837.

against the sovereign, are inserted; *an addition of undoubted northern origin.* These articles are also, by a singular misnomer, termed in the oath, '*fundamental dogmas of Christianity.*'

In vain did Schleiermacher and other popular writers raise their voices against these innovations, and show by the most forcible arguments, that such proceedings must not only prove the greatest encouragement of that indifference in religious matters with which the age has been taxed; but that the consciences of the two creeds would infallibly be confirmed in their adherence to their distinguishing tenets by these measures; and thus the union, which by natural means was fast approaching, would be prevented. The government proceeded to employ all the means in their power to influence the clergy throughout the kingdom to accept of the Agendum; and it cannot be wondered at that by degrees a number of pastors, either under the immediate patronage of the crown, or looking for nomination to patrons who were themselves dependent on the government for places and preferment, should adopt the new ritual without much hesitation.

A lapse of twelve years seems to have been considered a sufficient respite for refractory consciences; for, in 1834, we find penal statutes, in the true course of religious zeal, enacted against nonconformists. The history of the early persecutions against such pastors and their flocks as ventured to manifest a desire to evade or to resist the royal will, is touchingly told in a work published by M. Scheibel*. We confine ourselves to the proceedings of the last two years, which would, under the present restraint on the press in Prussia, have probably not been made public, if the dispute respecting the arrest of the archbishop of Cologne had not allowed the barriers which surround it in other states to be a little extended. In the *Augsburg Gazette*†, a Bavarian publication, we find a most interesting correspondence, dated as late as September 1838;

* Published by Raw, in Nürnberg, in 1832 and 1835, and by Fleischer, Leipzig 1834.

† The *Augsburger Zeitung* or *Augsburg Gazette*, published at Augsburg, is one of the most important public organs, and perhaps the best conducted newspaper in Europe. But it requires some practice to know *how* to read it. Those who know Germany will understand this, which the extractors of news from its pages for the use of our journals, evidently do not.

which, after correcting some exaggerated accounts circulated in other papers concerning the administration of the sacrament in cellars and secret places to zealous Lutherans, by orthodox divines, gives the following remarkable intelligence concerning nonconformist pastors and their flocks in Prussia:—

"Only last year the provincial authorities at Erfurt caused Pastor Graben of Heiligenstadt to be committed to the house of correction. The upper tribunal of Halberstadt, however, no sooner learned the transaction than it ordered him to be set at liberty; and when the magistrates at Erfurt appealed to their superiors, the tribunal drew up a remonstrance to the King, stating that he ought not to allow his subjects to be imprisoned without a legal trial, which they were with difficulty prevented from sending to Berlin."

The penal decrees against nonconformist Lutherans are alluded to in the following terms:—

"It is a great evil when a state is obliged, by exceptional laws, to decree punishments against actions which are neither criminal nor dangerous in themselves, but it is a still greater evil to resort to exceptional measures against individuals. Both methods have been adopted against the Lutherans. An order of the cabinet of the year 1834 imposes fines of from one to fifty dollars besides other penalties, punishment in the schools, &c., on their assembling to receive the sacrament of the Lord's supper. Their preachers have been arrested and committed to prison, as it would seem, for an indefinite term, without even the form of a trial. This occurred in the case of the Silesian clergymen, who were committed to close confinement in Marienwerder but three months back, because they would not promise to abstain from performing their clerical functions."

When we read the inevitable results of this singular persecution, we can scarcely believe that such scenes could occur in our own days, in the enlightened kingdom of Prussia, and under a sovereign whom some of our blundering zealots here represent as the *head of Protestantism* in Europe. Protestantism, indeed! it is fortunate for themselves that they are not in Prussia.—The writer continues—

"It is a matter of notoriety that, to keep regularity in the registers of births, it is only necessary to know whether children have been christened or not; the person by whom they are baptized being of no importance; for, according to the principles of the universal church of Christ (from which the consistory of Breslaw has unhappily deviated, by ordering, in some cases, a repetition of the baptism), the validity of baptism is in no way dependent on the person performing the ceremony. Now the Lutherans never refused to declare that their children had been baptized. Inquiries were, however, made after the persons who baptized them, in order that they might be punished under the new penal laws; but this information was withheld from conscientious scruples. A rescript was consequently issued by the mini-

sters of the clerical and police departments, dated 12th February, 1838, declaring all who refused to give evidence when required, respecting the person performing a clerical function, whether it be the father or a mere witness of the ceremony, liable to three months' imprisonment."

In consequence of this decree, it is further stated, many fathers of families, especially in Silesia, were committed to prison, and a most demoralizing system of informing introduced, to put a stop to which, the tribunal of Ratibor was obliged, like that of Halberstadt, as before stated, to interfere, and the minister was induced to rescind his decree. What are we to think of this state of things in a country which boasts of the unity and consistency of an administration, secured from the fluctuating nature of popular influence? But it seems that even the road of emigration is not wholly open to those who desire to quit the districts which they cannot inhabit in peace.

"It has been erroneously stated in some journals that Silesian Lutherans had emigrated to Australia, for the sake of freedom of conscience. The truth is, that about 450 Lutherans from the Mark, in the neighbourhood of Tullichau, passed through Berlin in Whitsunweek last, on their way to Australia; and that not long afterwards about 160 others (we cannot be responsible for the numbers) followed them in company with a few from Silesian villages of the vicinity. That Lutherans from one of the villages which have been the most severely visited with fines for the illegal performance of church service, we mean the circle of Trebnitz, applied for permission to emigrate, is true. But the conditions imposed by the government, that every father of a family must prove the possession of two hundred and fifteen dollars, and every other member that of one hundred and ten dollars, prevented these poor people, who had nothing left on which to raise money, from executing their project. It is said, too, that the landed proprietors opposed this step of theirs by remonstrance to the government, fearing to lose, with the Lutherans, their best peasantry, from a neighbourhood which does not stand in the best repute on the score of honesty."

This is, then, a picture of the domestic administration of Prussia in the year 1838! This is the manner in which the liberty of the person and of conscience are treated! This is the head of Protestantism in Europe!

We are enabled to give the winding up of this 'Strange Eventful History,' the following proclamation of the Prussian ministry having appeared shortly after.

"Berlin, 14th June, 1838.

"The circular orders issued by the undersigned ministers, under the date of 12th February, 1837, have not answered the expectations they were in-

tended to realize, because the persons whom they regarded have laid so high a value upon the religious scruples raised respecting the evidence required of them, and which were apparently forced on their attention by means of secret promises, that they, with few exceptions, preferred going to prison, and awaiting, under a persevering refusal, the term of their release. Although it does not seem doubtful that a consistent perseverance in the measures hitherto adopted against stubborn witnesses, would have radically extirpated this evil; yet it cannot be denied that, according to the confined notions of many individuals involved in these proceedings, and who conceive themselves *pro praterito*, bound by the scruples of their misled consciences, the before-mentioned measures bear a character of harshness which might easily be seized by nonconformist Lutherans who aspired to be made martyrs, as a means of acquiring reputation, and of challenging their fellow believers to follow their example. Upon consideration, therefore, of the state of the matter, and of the circumstances bearing upon it, which shall be duly weighed, with a view to the future steps to be adopted against the Lutheran nonconformists, the undersigned ministers deem it fit to inform the (Provincial) government that it has to desist from the prosecution of the forcible means hitherto adopted to discover the individuals who had performed forbidden clerical functions, and consequently to set those persons at liberty who have been confined in pursuance of the circular order of 21st February last year—but under the reserve of a future prosecution of the forcible measures which shall be decreed.

"Ministers of Clerical, Educational, and Medical affairs
in the same department,

(Signed) "VON ALTENSTEIN. VON ROCHOW."

The newspaper in which this proclamation is published, contains a lament on the part of the Prussian authorities, that the vicar of the vacant see of Trèves has refused to censure or expel a parish priest at Coblenz, named Seidl, who had preached against the government measures, and whom they did not *dare* to arrest.—Was ever confusion worse confounded known than this picture of Prussian sway presents? Can any nation look to Prussia under these circumstances, as to a power fit or able to consolidate and direct the energies of an enlightened people like the Germans?

But let us turn to the treatment which the institutions for education experience, the universities of which Prussia was so long and so justly proud; let us inquire what qualities are now demanded of those men to whom the education of the Prussian youth is to be confided. Of the seven professors, who, it will be remembered, signed at Gottingen a remonstrance to the king of Hanover, stating their conviction that the oath which they had sworn, to support the constitution,

was binding, in spite of the dispensation published by royal authority, two, professors Albrecht and Weber, had formerly resided at Königsberg. Their remonstrance having become public, the seven were instantaneously dismissed from their employments, and retired from Göttingen, accompanied by the admiration and sympathy of their fellow-citizens, which spoke out in addresses directed to them from different parts of Germany. And surely, if ever men acted from pure and disinterested motives, and deserved the grateful benediction of a nation, they were entitled to it; as they acted in full conviction of the difficulties that would be thrown in the way of their employment elsewhere. The tone of modest firmness which prevails in the pamphlets which they have since published in justification of this step, will at a future period, be viewed by their countrymen with sentiments of admiration and pride. In these pamphlets, Grimm, Albrecht, and Dahlmann, as lawyers, and Ewald, as professor of divinity, have not only recorded the judgement of the highest authority in Germany* against the king, but have held forth an example to their countrymen as men, which has been hailed with the approval of every honest breast, and has proved the proudest refutation of those, who deem that the dispassionate exercise of the reasoning powers tends to weaken the moral energies in times of action. The university of Königsberg, proud of the connexion which had existed between it and two of the men to whom all Germany was so much indebted, spontaneously voted the degree of doctor to professors Albrecht and Weber. The diploma conferring this honour on the former, was despatched to him; but before that for professor Weber was expedited, the royal commissary at the university, who had received a hint respecting the sentiments entertained at Berlin with regard to Hanover, interfered and prevented its being sent off. A letter from the minister, Von Altenstein, conveyed soon after the direct expression of the royal displeasure at the presumption of the university, in deciding upon the fitness of an individual for academical honours without first obtaining the royal sanction to such a step. But the letter addressed, about the same time, by the minister of the home department, Von Rochow,

* The decision in the last instance, in difficult questions of law, is frequently referred to the German universities by the courts.

to the citizens of Elbing, who had voted an address to professor Albrecht, is the most faithful interpreter of the sentiments of the Prussian cabinet on this occasion; and we submit it entire to our readers, as both its style and its tenor are of a nature to which no description could do justice.—

"To Iran Riesen, merchant, Elbing.

"In reply to your communication of the address which a number of the citizens of Elbing have signed and presented to professor Albrecht, I hereby inform you that it has filled me with displeasure and surprise. Were I even to admit that scruples of conscience alone induced professor Albrecht to consider the oath required of him as improper, I am still far from regarding the expression of his opinion, and that of his colleagues, as justified, or even excused, by those scruples. On the contrary, I hold that expression of his opinion to be an inconsiderate and blameworthy act of presumption, which would be punishable according to the laws of this country. The subscribers to the address lay themselves open to the same reproach, since they countenance and approve that act, and thereby identify themselves with its authors. It becomes a subject to show the obedience due to his king and sovereign, and to content himself, when following the orders given him, with the responsibility which devolves on those whom God has placed in authority over him. It does not become him to measure the actions of the sovereign of the state by the standard of his own confined views, or to presume, in overweening vanity, publicly to pronounce an opinion on their rightfulness. For this reason, I must regard it as a deplorable error, when the subscribers to this address believe the step taken by the Göttingen professors to be one in defence of legal order, and in opposition to arbitrary power. You are, however, guilty of a still more deplorable error when you imagine that your opinion is shared by all good citizens and loyal Prussians. This is, thank God, so far from being the case, that I am convinced the greater number will disapprove of the step you have taken, and deplore that, by it, the good feelings and patriotism of the city of Elbing are placed in a suspicious light. I leave it to you to communicate this reply of mine to the subscribers to the address.

"The minister of the Interior and of Police,

(Signed)

"VON ROCHOW."

"Berlin, 26th January, 1839."

This is the language which a minister of state holds to the Prussian nation, in our times. Such are the sentiments of the monarch, in whose good intentions confidence had so long been placed by an enlightened country, whose ardent hopes appear only to have been excited, that they might be the more relentlessly destroyed. If any Prussian continues to hope, under the present reign, for a progressive improvement in the institutions of his country, corresponding with the demands of the age, he must indeed be bold of heart.

In order that our readers should form a just idea of the electric shock which the minds of men in Germany received from the publication of this letter, they should be aware of the high value which the Germans set upon the privileges of their universities. Those institutions have, from their foundation, proved the strongholds of free discussion, and have been the asylums for truth, amid the raging of political and religious factions. From the universities of Prague and Wittenberg, the light of reason flashed forth in the Reformation to dispel the darkness with which the civilized world was threatened; and after all the vicissitudes of centuries of excited passions, alternating with fanciful aberrations of mental energy, it is, perhaps, still in the German universities that truth shines with its purest ray—that scholastic and party prejudices have the least power to dim her brilliancy. As the ideas imbibed by the German youth, in these excellent institutions, as long as they were allowed the unshackled use of their privileges, tended to make them less tractable for the yoke of their governments, the latter have been unceasingly occupied, since 1819, with plans to remodel the universities. The system of domestic policy in Germany is so tightly strained, that it has no elasticity to allow of the occasional ebullitions of popular ferment, or youthful exaggeration; and yet, although the proposals for a total reform of the universities are said, not only to be drawn up, but to have received the formal consent of all the governments, through their extraordinary ministers assembled at Vienna, three years back; although by the publication of the Frankfort ordinances, in 1832, these very governments showed that the rights of the people at large might be encroached on with impunity, their ministers have still abstained, with religious awe, from the formal spoliation of these venerable institutions, and the sacrilegious decrees have been suffered to moulder in their closets. At the same time, while no open steps were taken against the universities, their members were subjected to close observation; and the writings as well as the lectures of the professors have, for some years back, been controlled by the chiefs of the department of education, in the various states. It is a fortunate circumstance for Germany and for the civilized world, that, as soon as a prince appeared bold enough

to undertake the task of public persecutor of men of science, the first burst of his rage should fall upon men of such irreproachable character as the seven who signed the Göttingen remonstrance. There is not one of the number who is not equally admired for his learning as beloved for his private character; and although by the step they took they laid themselves open to the virulence of servile scribes, and courted the unsparing scrutiny of publicity, yet not the slightest reproach on their private or public lives could be adduced, to justify their proscription, or weaken the admiration of their fellow-citizens. If, however, one name shines pre-eminent amongst the number for brilliancy of genius, and almost incredible extent of learning, united with mildness and simplicity of manners, the unerring type of a pure and unsophisticated heart, it is that of JACOB GRIMM. The labours of this highly estimable man as a grammarian, and as the historian of German law and mythology, have secured him the highest place in the estimation of his fellow-countrymen in three distinct branches of science. But even his productions of a less serious cast have raised him an indelible monument in the heart of every German, as he may be said to have given a right direction to the sentiment of nationality, which broke forth with such energy in the beginning of the present century. He it was who directed the ardour of research to the relics of poetry and wisdom, preserved in the traditions and customs handed down from olden time. He entwined the naked ruin and the dried-up mount with the undying wreath of native poetry, and, by example as well as by precept, encouraged his countrymen to cultivate the flowers indigenous to their soil, in preference to hunting for exotic importations of foreign tastes and feelings. It belongs to the striking incongruities of our age, that a man, whose unwearied exertions all tended to awaken and give consistency to patriotic feeling, by showing, in the present state of his country, a natural developement from its former condition, should fall under the suspicion of harbouring revolutionary designs. His whole soul has been in the past, and in the present as a reflection of the past. It is a profanation of language to couple the name of Grimm with revolution! In the eloquent words of his colleague, Gervinus, — "that Jacob Grimm, in a German land,

"should be treated with indignity, is disgraceful to Germany, beyond all expression!"

After the contempt of all justice and right, evinced in the Prussian monarch's mode of dealing with the Rhenish provinces and his Lutheran subjects, it will not have excited much surprise that he should treat the universities with similar harshness. But the nation can scarcely have been prepared for the open declaration made by the heir-apparent, of his participation in his father's sentiments. The crown-prince of Prussia, in an autograph letter to the university of Königsberg, of which he is the rector, avowed his concurrence in the reprehension of the honours conferred on the proscribed Albrecht, as conveyed in the letter of the Minister.

What a touching contrast does the conduct of the people in Germany present, at this trying moment, to that of their rulers! While the war-note of discord and anarchy is sounded by despots and bigots from the Rhine to the Elbe and the Warta, the Germans, we may say of all classes, have preserved a dignified silence, and have neither allowed themselves to be terrified nor seduced into violent remedies. The reason of this calm bearing in the people is, that they are more enlightened than those who arrogate the task of leaders amongst them. The Germans wish neither to be priest-nor despot-ridden; their endeavour is not after victory in religious or civil broils; they wish to secure the enjoyment of rational liberty. Thus all attempts have hitherto failed to entangle them in the net so cunningly woven. The exertions of a Romish faction disguised under the mask of liberalism, and of Protestant tyrants who would extend their despotic sway over the unchainable consciences of their subjects, have alike proved unable to shake the firmness of an enlightened but ill-used people. How long the Germans will continue to resist the temptations to anarchy which are unceasingly displayed by the organs of the various factions, it is difficult to conjecture. Newspapers, under the titles *Protestant* and *Catholic*, have for more than a year been established, and have met with unparalleled success. The Prussian court has, on its side, not been idle. The Russian emperor, under whose *ægis* the future aggrandizement of Prussia is to be achieved, was

invited ("*Deus ex machina*") to solve the complicated intrigue of this mighty farce, in which a powerful nation is made to play the part of puppets in the hands of heartless tyrants and factious hirelings. Will not the insulted feelings of the Germans break out, sooner or later, in some burst of direful vengeance, if they be much longer goaded in the manner that they now are, and all influence be taken from the enlightened classes, as it now is by the proscription of those who display moral energy whether in writing or in action? If power is to be to the strong, can the German governments be blind to the consequences of rousing the passions of the mass of the people?

As friends to humanity we rejoice sincerely in the calm demeanour hitherto preserved by a nation which ranks so high in the scale of civilization, and hail the undeniable proof afforded by its conduct, that the diffusion of instruction is the firmest guarantee of social order. But we trust their patience will not be put to too severe a test. How much better would the exertions of France to quell revolutionary intrigues in the Swiss Cantons be employed in bringing the crowned disturbers of the public peace in Germany to listen to reason! Were reasonable freedom of discussion attained, and the liberty of the subject established on a sound footing in Germany, Switzerland would cease to be a hot-bed of political excitement, and those powers, which are now forced from their proper path into the by-ways of turbulence and sedition, would contribute to the advancement and consolidation of the blessings of civilization which they now menace with destruction. Even Great Britain can at length scarcely refrain from interfering to prevent the total suppression of liberty in Germany, if it be threatened by foreign powers; and under the present circumstances of that country, even Austria must be regarded as a foreign state. The power of Austria lies in that portion of her population which is not German, and which never had any sympathies with the Germans,—in her Slavonic, Hungarian and Italian subjects. As these can never expect to be acknowledged as umpires in a dispute between the German people and their rulers, all moral influence which Austria could exert in the case before us falls to the ground. The votes given by Austria and Prussia in the diet to which we

before alluded, have deprived them of the pretext to interfere in the affairs of Hanover as members of the Germanic federation. It consequently remains only for the Germans to contend with the predominant influence of Prussia, and a comparison of the resources of the constitutional states with those of that country, will show that, as soon as all hope of foreign support is cut off, Prussia is by no means so formidable as is generally supposed :—

States.	Population in 1838.	Revenue in Florins.	Direct Taxes in Ditto.	Cost of the Army.
Hanover,	1,715,600	10,900,000	3,783,000	2,102,000
Saxony,	1,645,300	9,330,000		
Bavaria,	4,315,400	30,000,000	6,510,000	6,509,747
Wurtemberg,	1,619,000	9,300,000	2,900,000	1,902,848
Baden,	1,232,900	4,770,000	2,800,000	1,532,275
Electorate of Hesse,	703,900	5,990,000	1,130,000	1,369,000
Grand Duchy of Hesse,	772,000	6,576,000	2,270,000	
Brunswick,	249,000	2,810,000	768,000	774,200
Nassau,	378,000	1,810,000		
Saxon Duchies,	109,600	1,000,000		
	13,740,700	83,494,000		
Prussia,	13,900,000	97,000,000	24,700,000	43,200,000

If we add the Hanse-towns, Prussia is clearly the weaker of the two parties.

The direct taxes in Germany are a draft from the life-blood of its population. They do not rest, as in England, upon the landed proprietor and capitalist; the industry of the people, whether agricultural or manufacturing, is by the nature of the tenures of land and the financial system made to bear a heavy share of the burden. Under these circumstances, the proportion which these taxes bear to the total revenue of the state furnishes a criterion to judge of the paternal disposition of the government, as their appropriation is the best evidence of its observance of due economy. The expenditure of the military department in Prussia is here shown to be nearly double the amount of these hard-wrung taxes, whereas in nearly all the constitutional states it remains below their figure. In Bavaria, where the cost of the army approaches nearest to the sum of the direct taxes, these imposts do not exceed two-ninths of the whole revenue; in Hesse, where it exceeds the amount of these taxes, they are less than one-

fifth of the revenue ; whereas in Prussia they are more than a quarter of the income of the country.

The influence of Prussia in Germany is thus proved to be solely in proportion to the greater cost of her army ; that is to say, it lies in the greater number of cavalry and artillery which she is able to bring into the field on an emergency, than can be furnished by the constitutional states, these being the branches demanding the greatest expenditure. But, if the Germans "shame not their sires," they must be able to face greater odds than these in a cause in which their hearts are interested ; and thus the physical as well as moral power of Prussia, when she stands alone, as the oppressor of their liberties, vanishes like an unsubstantial phantom. Now, that, in the enviable position which the Prussian monarch has chosen, care ought to be taken that he *should* stand alone, must be evident to all who desire a continuance of the peace and the progress of civilization in Europe ; and we trust that, since by the decision of the Diet of Frankfort, the complaint of the subjects of the king of Hanover has been rejected unheard, and the French and English ministers in that city are released from the duty of watching over the proceedings of that assembly, the representatives of these two powers in Berlin, Vienna and Petersburg, will receive instructions to declare that *the violation of the Hanoverian frontier by the troops of ANY POWER WHATSOEVER, will be looked upon as an attempt at conquest by which the balance of power in Europe is endangered.* Once freed from the long-endured dread of northern and eastern interference, under which every exertion of the Germans to assert and enjoy the rights of members of the civilized community of Europe have hitherto been paralysed, we shall see them assume a different attitude in the political world ; and thus the loss experienced by the blotting-out of Poland from the list of civilized states, though it will ever be felt, may in some degree be repaired.

The experience of the last few months has shown that, amidst the fluctuations to which our political relations with neighbouring states are exposed, the consolidation of a power in central Europe, which should be actuated by the influence of enlarged and enlightened views, and consequently equally remote from being the tool of despotic caprice or of the tur-

balance of an ignorant rabble, would be an immense gain for the repose of Europe. Is not so desirable a member of our social system in Europe presented to us in Germany? Is not the mass of the people in the confederated states enlightened, and has not a great deal been done in them to impose a salutary control on the arbitrary power of their sovereigns? Why, then, should we disregard so acceptable and so useful an ally? Some persons, no doubt, think that a country subdivided into so many states can never display sufficient energy to command respect from its enemies or to be useful to its allies. But all we want is a repressive power. We do not seek to call up a new nation of conquerors; of such our quarter of the globe has already more than its share. We want a nation possessing the elements of civilization and prosperity, with the will to cultivate these advantages. We should rejoice to see such a country, by a pacific policy and unremitting industry in mental as well as material speculations, rise in uninterrupted prosperity, and by its example alone shame into a like course of policy, those governments who seek to uphold their ill-gotten power by strewing the dazzling sand of conquest and unfruitful extension of empire in the eyes of their ignorant subjects. The very essence of German nationality is this subdivision into petty states—an organization as favourable to the liberty of the subject at home as it is conducive to a peaceful foreign policy. At all events, it is now too late to change the nature of the Germanic constitutions, if we wish to derive a speedy aid from their influence. It would cost an exterminating war to reduce them under one sceptre, even if the attempt were at any price successful, which there is great reason to doubt. On the other hand, the guarantee of constitutional freedom to those states which have achieved that enviable boon—or, what amounts to the same thing, *the declaration, on the part of Great Britain, of the inviolability of the territory of each individual state in cases of disputes between the people and their rulers*—would prove a bond of union which would bind, in the strictest alliance, every Germanic state from the Alps to the Baltic. We say that such a declaration should be made by Great Britain, even if unsupported by any other power; for a step of this nature, taken by our government, would as neces-

sarily be imitated by that of France, as the adherence to the treaty of Milan became imperative on the French government the moment that England stood forward in the cause of civilization and right. At the present day, no sovereign, whose power is in any way subject to the control of popular opinion, can remain behind in the race when his rivals start for the goal of enlightened freedom and the welfare of mankind. The more the number of sovereigns, subject to such control, can be augmented, the better for their peaceably-disposed neighbours. But an instantaneous advantage would result from a line of policy which should establish the freedom of the minor German states from the oppressive leadership of their too-powerful colleagues in the Confederation. This would be the attaching of Switzerland to a body with which it has so many powerful sympathies. The moment the freedom of the Germanic states is proclaimed, and the power of the Frankfort Diet limited to concerting measures of defence against external aggression, in that instant Switzerland has become an honorary member of the league, by the influence of that identity of interests which is so much more powerful in consolidating alliances than the wisdom of statesmen or the calculations of cabinets. This power, so feeble while it stands alone, that it is buffeted about by its mighty neighbours, France and Austria, who have not scrupled to threaten the extermination of its liberties, would at once assume the rank of a powerful member of a powerful confederation, whom it would be bad policy to taunt, because it was secure from injury. Instead of being reduced to defend refugees, at the risk of their independence, the Swiss would then belong to the party whose influence in Europe would thenceforward be such as to make it essential to cultivate their esteem, and therefore wise to treat them with courtesy. But it is not Switzerland alone that would benefit, besides ourselves, by the establishment of a powerful confederation of free states in Germany. Belgium, whose inhabitants are at heart more German than French, would likewise find a support for her newly-acquired and dearly-bought independence. Every country in which a German dialect is spoken would be able to claim the sympathies of the rest; and the Russian provinces on the Baltic, instead of being mocked by

a representation in the Diet through their lord, as duke of Courland*, would form a part and portion of a real and imposing league. The dreams of the conquest of Hanover, with the addition of the Hanse-towns, once dispelled from the brains of Prussian statesmen, the influence of public opinion would regain its importance in Prussia. The Prussians would hail the boon of security against the aggressions of France and Russia as a valuable exchange for distant visions of conquest. The reduction of their army, which is only possible under these circumstances, would throw a fund of industrial resources into the hands of the population, and the true power of that state would begin to show itself, based upon the strong foundation of national prosperity. As a member of the confederation, Prussia would be then the chief support, instead of acting the part of oppressor, of the liberties and civilization of Germany; and all Europe would hail the tardy realization of the hopes which the proposal for the establishment of a confederation of free Germanic states excited at the Congress of Vienna.

* Under this title the emperor of Russia sought last year to be admitted into the German confederation as a member—nearly at the same moment that he by an imperial ukase compelled the German provinces of Russia on the Baltic to adopt the Russian as their language, and, by his regulations as to mixed marriages, laid the foundation for the extirpation of the Protestant religion in those provinces. The Protestants in those countries are either Lutherans or Calvinists, and have consequently little sympathy to expect from the king of Prussia. Are they to expect any from the British nation?

ARTICLE III.

1. *Recent Measures for the Promotion of Education in England.* Ridgway. Tenth Edition. 1839.
2. *Reports of the National Society for Promoting the Education of the Poor in the Principles of the Established Church.* 1838 and 1839.
3. *A Letter to T. D. Acland, Esq., M.P., on the System of Education to be established in the Diocesan Schools for the Middle Classes.* By the Rev. R. HUSSEY. 1839.
4. *Report of the Exeter Diocesan Board of Education.* January, 1839. Exeter.

WE approach with unaffected diffidence the discussion of a question, which has been embittered with so much political rancour, and mingled with so much pretension and prejudice, since we last devoted some of our pages to a survey of the progress and condition of the education of the lower classes in England. But, notwithstanding the outbreak of violent animosities, and the clamour of party which dins upon the public ear, these present evils are certain signs of the advancement of a good cause. They are in fact a solemn recognition of the national importance of the subject. They are the concomitants of active exertion. They announce the passage of the question from those abstract discussions and philanthropic aspirations in which it lay so long and closely locked, to the field of open debate. The conflict between new systems which seek to found, and existing institutions which seek to maintain, their authority, will not be resolved by the promises of the former or the claims of the latter, but by the practical forces they will bring to bear on the subject. The daily thoughts of men are commonly so far below the idea which they are unconsciously serving, and means occupy so much more of the world's attention than ends, that the extent and importance of principles themselves are rarely discerned till they have been tested by time, and brought by experiment within the ken of ordinary observers. But if there were no high principles to be discovered at the bottom of

men's controversies—if there were no high ends to be promoted by us for times *after* us, the drama of life would become a contemptible jest, and we should turn from the strife of public discussion to the pleasures of lettered ease and abstract speculation.

Constituted as we are, both in our individual and our national capacity, it is a necessary consequence of our education and our institutions, that the signal to act should be invariably accompanied by a thousand differences as to the means of action. Parties are so engaged in these disputes that they know little more of the fate of the main battle than a regiment in the midst of dust and smoke knows of the fate of a campaign. It is a peculiar characteristic of the English people, that they, of all mankind, are most energetic in the attack and defence of questions of detail, and least used to act from general motives on a general survey of the whole question. But this very quality of the English character has imparted a strength to English institutions, which no ingenuity or speculative contrivance could ever have conferred on the productions of the most gifted minds. Nothing springs up in England with the sudden vigour of tropical vegetation; but while the soil is turned a thousand times about the root, the trunk of our oak continues its sturdy growth.

We look down on the ebullitions of narrow minds, the mischief of party, the virulence of polemics, and the coarseness of transient motives with indifference, because our belief in the existence of more enduring and more noble elements amongst us is unshaken: if we have alluded to the existence of these disorders, which force themselves on our notice, it is chiefly to disclaim all sympathy with them—nay, more, to protest against the discouraging construction which some men put on their proximate consequences. In our last number we drew a melancholy picture of abortive exertions and increasing evils, in our notice of the present state of the African Slave-Trade; but we do not for a moment question that the moral assertion of the iniquity of slavery, and the great moral battle fought by the Abolitionists, has raised the tone of national feeling, touched the conscience of England with a deeper sense of her duties, and achieved results of a moral

importance hardly secondary to that main object of the suppression of the Slave-Trade, which is unhappily still so remote. In like manner, the objects of the most enlightened friends of education may be far from their accomplishment—perhaps they will never be completely attained; but already we find cause for rejoicing in the effects of these discussions. Within the last few years, and especially within the year which has just expired, we have seen the revival of a spirit in some of our institutions which gives us the best assurance of their safety, and the best promise of their extension and improvement. We have seen, especially in the Church, symptoms of that best kind of reform, which starts from a return *ad principia*; and we can pardon much of her jealous hostility to all external interference, in consideration of the knowledge she shows of her position, and the readiness with which she meets the exigencies of it. It is the peculiar characteristic of a country blest with wise institutions, that however they may be overgrown with the rusts of time, they are susceptible of applications, of which their authors—if any can be called the authors of what has grown with our growth—never dreamed.

With particular reference to the Education-question, the position of the State, or rather of the administration in whose hands the exercise of the powers of state reposes, is at present in many respects less favourable than the position of the Church. The Church exists in the country *mole sua*, and as long as it exists at all, its course of action is prescribed and its powers are determined, not so much by the men who compose it, as by the nature of its constitution. A political board on the contrary, can hardly meet to discuss any question without asking itself whether it exists at all. Its powers may be great to-day; they may be transferred to other hands to-morrow; and the solidity of the measures of statesmen depends, of course, on their sense of their own security. But however unequal and dissimilar may be the resources and elements of the two bodies, we have recently seen them both obey the great necessity of the time, and turn a serious attention to the improvement and extension of schools for the people. We belong to those (if there be any who are content with us to assume a central position, commanding a view

of either camp) who believe that the Church has been actuated in what she has done, and is about to do, for the promotion of education, by an earnest and enlightened sense of her paramount duty. We regard the establishment of the Diocesan Boards for the improvement of the national schools, and the exertions made to increase the contributions to public schools with great satisfaction; but while the Church was setting to work to perform her own functions more effectually, we are by no means inclined to approve the resistance she opposed to her fellow-labourers in the vineyard. We are not more convinced of her zeal and piety, than we are that the projects of the Government for the education of the people were conscientiously, and not improperly, conceived to promote that end. They were not designed to disparage the simultaneous exertions of the Church, or to insult her by hostile measures, which could only recoil on their promoters. They contained no reasonable cause for the extraordinary aspersions and attacks by which they were met and repulsed.

The magnitude of those misrepresentations proves the innocence of the scheme. Fiction would hardly have been so largely drawn upon if facts had afforded a stronger position. The protestant parishes of Suffolk were thrown into a paroxysm of pious dread by the anticipated arrival of popish pedagogues. The total suppression of the Authorized Version was confidently predicted; and the local Bible-societies were speedily to be closed by the rural police, or converted into receptacles of the Douay superstition. Peripatetic atheists were to act as the assistant-commissioners of an infidel board. Thomas Paine or Jeremy Bentham were to be read instead of the lessons of the day, and street-ballads committed to memory in lieu of Dr. Watts's hymns. The extent of the British empire gave rise in a number of pious minds to a torturing consciousness of the diversity of its hundred creeds: and rather than pursue a course which could end in nothing but Mithra or Mohammed, Buddha or the Pope, Socinianism or Juggernaut, the whole land petitioned that the Chartists should remain uncorrected by instruction; that the people of Kent should be allowed to stand fast in the faith of Thom; that the proposal for supply-

ing some thirty schoolmasters per annum to as many parishes should be utterly abandoned ; and that no schoolhouse should be built within five hundred yards of the sacred outworks of the Church of England. In a word, the government were accused of seriously projecting whatever was most difficult and useless ; of insincerity, when they had roused the formidable storm which met their traduced and distorted measures, and of hostility to the church, whilst they were intending to avail themselves of her ministry in their training establishment, and were actually replenishing the funds of national schools all over the country.

These delusions and misrepresentations are gradually drawing off, like a dark, stagnant vapour, which concealed the ground on which the structure was to be planned and raised ; but as they linger in some well-meaning minds, and are still kept alive by the press for party purposes, we shall here introduce the most sensible and spirited reply made by Lord John Russell to the General Assembly of the Church of Scotland. Its language is as clear and manly, as its principles are religious, reasonable and decided.

" Whitehall, August 31, 1839.

" Sir,—Having laid before her Majesty the loyal and dutiful address of the Commission of the General Assembly of the Church of Scotland on the subject of national education, I feel it to be due to the Commission, no less than to her Majesty's government, to inform you that serious misapprehensions appear to prevail on the subject of this address.

" The Commission state, that the system 'declared to be for national education is to be conducted by a board whose powers are undefined in their exercise, and seemingly arbitrary and irresponsible.'

" The fact is, that the system proposed is not declared to be for national education, but for distributing any funds voted by parliament for the purposes of education in Great Britain ; that these powers are strictly defined by the order in council, and are limited to the distribution of such funds ; that so far from being seemingly arbitrary and irresponsible, these powers are exercised under the same control and responsibility as any other powers exercised by her Majesty's counsellors and advisers.

" The Commission state that, 'according to a prominent feature of the plan, the ministers of the Established Church, and indeed all ministers of the gospel, are interdicted from any share in the superintendence of the national schools.'

" There is no such prominent feature in the plan. Schools placed under the superintendence of the ministers of the Established Church will con-

tinue under such superintendence, and will receive aid from the grant of parliament as they have hitherto done.

"The Commission state, 'that according to another feature of the plan, a separation is drawn and ordered to be kept up between religious and secular instruction : so that the peculiar truths of the gospel shall be excluded from the course of education in the national schools.'

"This evidently alludes to a plan at one time in contemplation, not for a system of national schools, but for one normal school. But the plan at that time proposed was founded on the basis that the holy scriptures should be read in the school, and that religion should pervade the whole course of instruction.

"To the plan now proposed the observation is totally inapplicable. The Commission describe it as a supplemental proposal on the plan, that ministers of religion should have access, after the ordinary school business is finished, to give religious instruction to children whose parents belong to their congregations.

"This description is founded on an entire misconception of the plan at one time proposed ; but as that plan is not now in contemplation, it is needless to enter into its details.

"I can assure the Commission, that under the authority of the Committee of Privy Council no change will be effected in the parochial and bible school system, so long the boast of Scotland, and that the Committee have neither the wish, nor the power, to promote any scheme for separating religion from the knowledge and business of youth.

"It cannot be the opinion of the Commission of the General Assembly of the Church of Scotland, that while commerce and manufactures are adding yearly to the numbers of the people, no additional efforts should be made to secure the rising generation from that ignorance of the word of God, and that indifference to his precepts, which are the unhappy consequences of our present inadequate provision for education, nor should the danger be disregarded, that while we are guarding against 'the deadly errors, whether of Popery or Socinianism,' a race of artisans and labourers may grow up, by whom every form of Christianity is alike unknown and unheeded.

(Signed) "J. RUSSELL."

"The Rev. Henry Duncan, Moderator, Edinburgh."

It is not proposed, on the present occasion, to prolong the discussion of the principles enounced, and the theories defended, in the works of Mr. Gladstone and Mr. Maurice, reviewed in our last number. We then expressed a high opinion of the productions of those excellent and able men ; and we pointed out some of the more important inferences suggested by those books to our minds. But whilst the discussion of these great principles is going on, the world is not standing still. Disputes are as lively

and as loud in the board-room and the committee-room, as in the arena of philosophical controversy. It is possible that the exertions of the zealous, on both sides of the question, may outrun the pens and tongues of speculative inquirers; and, if we are not mistaken, every year will contribute to the solution of the question by the practical measures to which it has given birth. To these practical measures we intend more particularly to call the reader's attention. Our sympathy will go with the party, whichever that may be, which will present the world with the best and amplest results. Our approval will attend the schools in which the machinery of instruction is so adapted as to facilitate, but not to overshadow, the work of education,—in which the minds of children are best supplied with religious truths, united to a consciousness of their own duties as the Christian holders of those truths, and most suitably prepared for their place in society, their liberties as Englishmen, and their future obligations as labouring men and fathers of families.

It will be denied by none but the extremest sectarians among the dissenters, that the Church of England has a claim to take an active part in the education of the people. She exists for the purpose of education in its highest sense; it is her duty to afford it—it is her right to combat such impediments as may be thrown in her way. The theory of the Church of England, as propounded by Coleridge and Mr. Maurice, and as illustrated by several excellent contemporary writers, affords the fairest picture that can be conceived of the ministration of Christianity in the performance of its perpetual function—the civilization of mankind on earth, and their preparation for a state of being hereafter. The Church of England is not a doctrine, but an institution. "It presents Christianity," to use the language of the bishop of Salisbury on a recent occasion, "as a definite substantial unity committed to the Church, and by her embodied in formularies which thus constitute an authoritative exposition of the truths she holds contained in the word of God." But whilst she is the depository of the Christian truths and formularies which are professed by the State, and by a majority of the educated classes of the people of England, she enjoys, as an existing insti-

tution of the realm, the full possession of a system of machinery adapted to maintain her existence and extend her utility. The tradition of property has set aside the tenths of the land for her support. In every parish her minister receives the peasant at the font, and consigns him to the grave: it is in the power of the priest to complete the lessons of the school by the lesson of the pulpit: and, by his constant presence and counsel in the emergencies of life, to maintain and apply the principles which it has been his duty to inculcate. He is the servant of that Master who said, "I will not leave you comfortless;" and his calling as a Christian priest does not confine him, like the hierophant of heathen mysteries, to the recesses of the temple, but rather sends him to the hearths of the humble, and bids him walk beside those who have no other friend. Such, indeed, are the functions common to the Christian priest of almost every Church: but the Church of England has a peculiar importance of its own, which will hardly be found to belong, at the present day, even to the Church of Rome in other countries. She is co-ordinate with the State; her prelates constitute an estate of the realm; her temporal head sits upon the throne, and her services form part of the law of the land. But in the union between Church and State, of which these traditional and existing rights are the constitutional symbols, neither institution is absorbed in the other, but each stands to each in the relation of mutual assistance by the performance of the duties respectively allotted to them. In no other country in Europe are the Church and State placed in a similar relation. Wherever the Church of Rome exists, that is to say, wherever the government of the Church is in the hands of a foreign potentate, there must be a perpetual struggle for predominance, ending either in the subjection of one element to the other, or in a truce effected for some political purpose. At this moment the Romish Church in Austria, Bavaria, and the most Catholic countries of Europe, is notoriously subject to the State, and to the absolute despotism of the State, in the discharge of many of its first duties,—in particular, the education of the people. The emperor Francis observed to the emperor Napoleon, that he had one army in black and another in white (the Austrian military uniform),

and that the former was the more effective of the two. In Protestant Prussia, the national church is identical with the government. It would be an abuse of terms to assert that the Church as it is constituted in Prussia could originate any act whatsoever; accordingly, the duties of a church are performed in Prussia by agents of the State, in the churches and the schools as well as in the public offices or the army. In England it is far otherwise: we have a Church, which is closely allied to the State by her duties and her powers, without being dependent on the State by her commission or her interests. With these rights are connected, by their very essence, the responsibility and the duty of promoting the education of those committed to her charge.

But here we are stopped by the question, Why has a church, endowed with such remarkable gifts, possessing abundant means of promoting the work of education by its influence with the crown and its presence in the upper house of the legislature,—a church, whose essence and origin is traced by her most zealous and sincere defenders to the need of those very services, and the fulfilment of those very duties, which have been so long and generally neglected,—a church, whose funds might enable her to annex the school to the altar, if it be one of her most important maxims that teaching and preaching should be one,—a church, pervading the whole country, and commanding the sympathies and highest feelings of the nation as no other institution can or ought to command them,—a church, whose own canons prescribe the work of education, and even provide for the purpose machinery not unsuited to our actual wants,—how comes it, we repeat, that the Church, enjoying these privileges and bearing these sacred obligations, has done so little to promote the advancement of sound education? Is it possible, that a body, professing allegiance to Christ as its head, should allow the project which is to supply deficiencies in things so essential to its own standing and importance, to originate with laymen, and to be ripened by the unwholesome heat of party controversies? Is it possible, that with so much to do, and so much power of doing it, so little should have been done?

We believe that the Church has these powers, that they are a

part of her divine commission, and that she exists for the purpose of spreading religion and true knowledge among the young and old, in the class and the congregation. But when we inquire for facts, what do we discover? We ask for EDUCATION, we are met by the dry formularies of religious instruction; we ask for an efficient control exercised over all the young generation in England, and we are referred to the exertions of a few amiable and zealous individuals, who have happily succeeded in infusing into the parishes committed to their care that spirit which we seek in vain wherever individual zeal and enlightenment has not come to the relief of the imperfect system. We ask what the Church of England, the assemblage of the prelates, the priests and the communicants at the established altars of the land, have done for education; and we are either met by a defence of the theory which they *ought* to have carried into practice, or by the reports of the 'National Society for the education of the poor in the principles of the Established Church.'

The exertions of that society should not be undervalued: it has been sanctioned by good men; it has been served by well-meaning officers; it has done a great deal towards spreading the notion that schools were to exist, and human beings to be taught to think, or at least to read, in spite of the prejudices of the last half-century. But it is high time to ask by what claim the National Society is to be regarded as the Church herself? The Church has made over the high and inalienable duties of the 'education of the poor in the principles of the Established Church' to an association of an humbler character and of a far less indisputable title. An attempt is made to settle the question by the high argument of church authority, and we are told of the efficiency of "machinery actually working well, and promising before long to embrace in its operation "the whole body of the peasantry." But whatever may be the results of the present system, they are due to the National Society, established and conducted under the auspices of churchmen—not to the Church herself. We say that it is high time to call the attention of the public to this state of things; because as, on the one hand, many of the arguments used in defence of education by the Church do not belong, and ought not fairly to be applied, to the school-keeping as-

sociation called the National Society, so, on the other, the results of the National Society are not the results of education by the Church of England,—they are the results of the supposititious institution destined to effect what the Church has neglected. By what right then has the National Society acquired the powers it affects to exercise, of prescribing tests and methods to all the schools of the Church of England, of enjoining beneficed clergy of the Church to perform or to abstain from performing certain acts,—of treating with the Government in the language of an estate of the realm,—and, in fact, of legislating on a subject which affects so deeply the most important interests of the public and the Church? Such language on such a subject would be appropriate in convocation, in a synod, or even in the senate; but there is nothing which gives the National Society a claim to that deference which we should be inclined to exact even from the highest authorities of the State to the Church herself. In short, there is a material difference between the archbishop of Canterbury and the bench of bishops going down to the House of Lords to bring in a bill for the establishment of a system of national education, (if their lordships had ever been so minded,) and the same right reverend prelates sitting as the committee of the school at the Sanctuary, Westminster, from which they censure the efforts of the laymen at Whitehall and control the schools of the clergy all over the country.

The National Society has derived much of its importance in later years from having been made the channel through which the largest part of the parliamentary grant was distributed by the Treasury. The change which was effected last year by the transfer of this distribution from the Treasury to the Lords of the Council as the givers, and from the National Society generally to the applicants individually as the receivers, is in itself a very good thing; for it substitutes on the one hand an enlightened and responsible committee of the advisers of the Crown for the subordinate financial agents of the administration,—and on the other it deals with the merits and the necessities of zealous and able individuals, in lieu of the inefficient machinery of the society. Of course, the National Society has exerted itself to disparage this improvement; but

even admitting their arguments in defence of the exclusive administration of the fund by the Church, the grant ought to be made over, not to the National Society, but to the Diocesan Boards.

In our opinion the results of the National schools, as they are termed, are not so satisfactory as to furnish the clergy with proofs of their competency and activity derived from actual experience. But notwithstanding their imperfections, the National Society appeals to the Church and the Church to the National Society, with an admirable harmony in sharing the honours as well as in disclaiming the disgrace which a narrower inspection of these schools might bring upon their promoters. Mr. Maurice, in his last work, looks forward with confidence to the dawn of a new era by the exertions of the clergy, whilst he condemns the machinery of mutual instruction which has been so widely established by the National Society.

"It is this machinery in England which has overshadowed our ecclesiastical education, and prevented it from coming forth in its fulness and power. We have the principle recognised, that education is to be conducted by those who, we believe, have the power of what M. Van der Ende calls 'forming men'; but that this was to be their object we have not perceived, or at least strongly felt. We have been worshipping our own net, and burning incense to our own drag, looking at our system and forgetting the beings upon whom the system was to act. While this was the case, it was inevitable that the very reason for which clergymen were made the teachers of the land should cease to be understood, and that they themselves should become unmindful of their high position. Once let us believe this, that in every poor child there dwells a human spirit which we can speak to,—which we have a commission from above to speak to, and to call forth and to instruct in all its divine and human relations, all the instruments we want will speedily gather themselves about us. Possibly we shall find that we want no new instruments at all; that by rightly availing ourselves of all that we have already, we shall effect our purpose much better than by constructing new ones. The country-parson may find in many cases that the revival of the old dame-school system for girls, or at least for infants, may save him the expense of building a school-room, and do the work more effectually; for looking upon himself as the head schoolmaster of the parish, he may put the dame upon such a method of appealing to the heart and understanding of her pupils as may give new life both to herself and them. In every case he will care for the teacher more than for the lessons; him he will try by every means to inform and cultivate. In the hands of a living teacher the catechism he knows will be no dead book; it will unfold mysteries to the heart of a child which will surround

and possess him, and give him a sense of his nothingness and of his greatness, through infancy, and youth, and manhood."—*Maurice, Lectures on Education*, p. 277.

These are true and delightful sentiments, spoken with the earnestness of a devout churchman, but they have nothing in common with the operations of the National Society; they may have sprung up in the heart of many a clergyman to bless his solitary labours, but they have not received the sanction or support of the church which he serves. We now borrow from a source equally well affected to the Church a still more minute—alas! we fear, a still more visionary sketch of the part now taken by the clergy in the work of education. The following passage is from an article which appeared in the *Quarterly Review* of April 1838, on Archdeacon Bather's Hints on Scriptural Education.

"To the natural order of Christian education we are now (if we are not cut short) reverting; catechising the child, that is, grounding him in the principles of the faith by viva voce conference with him, in order that the man may be taught to edification. But whilst we are thus dealing with him, the fault is our own, if the very first object of all education is not answered, even as our economists themselves would admit—'For, if they say that something more is desirable for the poor than mere reading and writing and a little arithmetic, so say, I too,' cries the Archdeacon; 'I should like to see them taught to think.' And accordingly he proceeds to point out how this primary object of education is achieved, and in a manner the best of all, by the very same discipline which serves to make them profitable hearers for the Church; and that, whilst your aim is to train up in them sound Christians, you are incidentally forming them into *thinking* men. *The catechist, then, who will seldom be any other in a country parish than the minister himself, having fixed upon his subject, which will seldom be taken from any other book than the Bible—that being of all books the one which is found on trial to interest children most, and therefore to be the fittest to quicken them to mental exertion—first instructs his pupils by questioning the meaning into them, and then examines them by questioning it out of them.*' The former part of this task he does by putting what the lawyers call leading questions, that is, questions which instil a meaning, to be extracted by and by; and if the answers prove such as require to be corrected, which they will often be, still the children are brought to make the correction themselves, which is done by means of further questioning, after the same fashion as before; till at length they find themselves surprised into a full knowledge of the subject proposed to them, and apparently by efforts of their own; the process keeping them on the alert, and the result flattering their sagacity.

"We shall be excused, we are sure, if we follow Mr. Bather into an ex-

ample, fractional as it may seem; for the more thorough the insight afforded of the faculties of our schools, constructed as they are, the more will people be induced to pause before they give their voice for their extinction. The sight even of a fly through a microscope would often stay the hand that was raised to crush it, by unfolding beauties overlooked. Our example is the parable of the Publican and the Pharisee; the catechist begins by taking the passage to pieces, making the child in fact construe it, so as to give proof that he has not been merely talking in his sleep:—what was done—who did it—what was said—who said it. Then comes a hard word, a publican—he asks—what is he? The child cannot tell, or tells him wrong. It is very easy for the questioner to set him right; but why do this when it is much better and very possible to make him set himself right? He will remember, if he is put upon it, that there were twelve apostles; that one of them was a publican; that his name was Matthew. He can tell where Matthew was sitting, and what he was doing when he was called. He thus works his own way to the meaning of the term publican; and besides, learns to bring passages of Scripture which he has read, together; thus gets at a good principle of interpretation; and, above all, holds fast that which he has in this manner made his own. ‘But the two men went up into the temple to pray.’ This reminds the catechist to give the child some simple notion of prayer. He may make a speech to this effect, but it will be to little purpose, and there is no need of it. In answer to his question the child can inform him what it was they went into the temple professedly to do: a beggar in the street will furnish him with an illustration of this; for he would teach the child to quote a text where *praying* is expounded by ‘*asking*.’ Then, when the child has told him whose house the temple was, he will be at no loss to tell him further who was to be addressed in it. And, looking to what the publican and the pharisee severally said, he will be led to state that the one *asked* for mercy, the other *asked* for nothing; consequently, that the one did actually pray, whilst the other forgot his errand. We need not pursue the example further; but, on the whole, this method will do more for a child than the plainest sermon whilst he is a child, and when he becomes a man he will put away childish things. Now, doubtless, had the catechist turned lecturer, and his interrogations been orations, he would have *delivered* in the same space ten times the doctrine which the other has *extracted*; ‘but what of that?’ says Mr. Bather, in a passage which may remind us of Mr. Hunt’s diverting picture of the Sunday School Boy—the listlessness of his youthful auditory, the vacant looks of some, and the impatient gazings of the rest in all directions, let you know infallibly that their minds have never been occupied at all; peripatetic the speech may have been, but ‘like water that runneth apace,’ it has passed away from them as it flowed, and whether the matter discussed related to Peter, or James, or John, or the facts were done at Jericho or Jerusalem, or the scope of the argument was to teach men to pray, or to give alms, to repent, or to believe the gospel, they know not. The sermon was blameless, but there was no constraint upon them to give their thoughts to it.’

"Having thus questioned the meaning into them, for which the school for obvious reasons is the fittest scene—and which indeed there is scarcely any other opportunity for doing, but such as a school affords—the Arch-deacon next proposes to question the meaning out of them, which may be done not there only, but in the church, in the face of the congregation, in accordance with the injunctions of the fifty-ninth canon, and the rubric at the end of the catechism. Here the minister, *who is bound up, it will be perceived, with these schools from first to last*, gives the children an occasion of producing their knowledge; he extracts it from them piece by piece, and with an eye in the process to the edification of the bystanders; thus he reaches the ignorant adult through the better-informed child; awakes a fresh interest in that quarter, for to hear others questioned is the next thing to being questioned oneself; the listener will have the curiosity to catch the child's reply; a thought can scarcely fail to cross him, how he would reply himself, or whether he could reply at all: he will be glad to get information without the risk of exposing his present ignorance, and when the information is watched and waited for, it is retained.

We have quoted this passage at length, because it contains, not only the views of an enlightened writer and a sensible critic, but *a complete description and definition of that identical method of teaching by the SIMULTANEOUS system*, which the Government is anxious to introduce into the schools of England, and which *the National Society most vehemently opposes*. We entirely concur in the principles here laid down by two of the ablest defenders of Church education:—but if we inquire for the practical application of these admirable views, for the actual results of an ecclesiastical superintendence so zealous, so unremitting, so enlightened, we are answered by a return of the number of day-schools and Sunday-schools in connexion with the National Society. Writers, who appeal so warmly to the sympathies of the reflecting body of churchmen, may doubtless do much to promote the high purposes of the great institution they defend; but there is nothing but fiction and delusion in the assertion that this machinery is now in existence and at work. The whole plan on which the national schools have hitherto been governed is in direct contrast to the pleasing accounts we have extracted. The clergy of the Establishment have not learned to consider themselves as the head-schoolmasters of their parishes: few of them, comparatively speaking, are fitted by taste or by technical acquirement to perform the difficult duties of a catechist, as Mr. Bather terms him, but more properly of a teacher on the

simultaneous or suggestive method. What these gentlemen have in view, or, at least, what is required to make their views practicable, is precisely that which the friends of education, who have supported the Government plans, have most deeply at heart, viz. the preparation of a body of able masters and mistresses, instructed, supported and assisted by the clergy of the land, and perfectly versed in the whole art of which the general features have been, in the foregoing extracts, presented to the reader. Has the National Society contributed anything to the attainment of these ends? The labours of the newly-established Diocesan Boards will furnish some answer to this question; but the novelty of these establishments proves, at least, that till within a very short time the answer must have been a blank negative. Has the Government had a scheme in view which would promote or which would impair these objects? When we come to speak of what the intentions of the Committee of Council appear to be, we shall show how much analogy there exists between the wants and wishes of men of all parties, who really know what education is, and what it ought to be. The Government would have met with no ordinary success in the first and principal part of their labours in promoting the education of the children of churchmen, if such a school as Mr. Maurice and Mr. Bather approve were established in every parish in the kingdom.

The National Society, zealous in the defence of the principle which their institution is alleged to rest on, have too long confounded with it the state of the schools now under their care. We should be more satisfied that definite and important improvements, like those so forcibly described by Mr. Maurice and Mr. Bather, are actually going on, if we heard less self-applause at the boards and meetings convoked in various parts of the country to support the principle of ecclesiastical education. The principle may be excellent, but, generally speaking, the schools are bad. What they teach is imperfectly taught, being rather rubbed into the memory than absorbed into the understanding; what they teach is comprised within very narrow boundaries indeed, when we consider that the highest themes which can fill the human mind are presented to the children under a form which rarely allows them to feel their height or to follow their extensive

application to all the existing relations of life. And consequently, we have now very decided evidence that a great deal of the little thus taught is written on the sand, washed out by the first wave, forgotten in the first half-year of dissolute fellowship* or hard-wearing toil. Whatever be the truth of the principle, it undoubtedly loses much of its strength by the absence of schools in which its practical operation can really be pointed to with approbation.

The reports of the National Society are almost equally remarkable for their great pretensions and their humiliating confessions. The following sentence from the Report of 1839 affords a curious specimen of the apologetic language in which they describe the success of their labours:—

“If an account be taken of the periodical returns and reports which National Schools are called upon to make; the comparatively regular system of visitation and examination to which they are subjected; the greater extent of instruction the children obtain (though in the best of cases it may be small); the superior system on which they are taught (though it may often be exceedingly defective in itself); and the comparatively able teachers by which they are managed (though many of these persons are very incompetent for their work, and almost all of them need to be improved);—an undoubted evidence of the success of the National Society will be obtained.”

If we were inclined to imitate this parenthetical style of composition, we might venture to qualify the concluding words by adding, “(although, by its practical results and the confession of its own managers, it has been found to fall very short of all that a National Society for Education ought to afford).”

But with the exception of one or two of the more experienced and enlightened individuals connected with it, the Society has not condescended till very lately to admit these deficiencies—still less to correct them. And we venture to assert, that anybody visiting a number of national schools will find a deeper consciousness of their manifold defects among the masters and mistresses than among those whose duty it is to govern and improve these establishments. To quote an example which must be familiar to all who have visited schools on the pure National system, the first thing that

* See Report on the Parkhurst Prison for Juvenile Offenders, 1839.

strikes any one accustomed to other modes of teaching, is the want of books. Extracts from the Bible at first, and the whole Bible afterwards, generally form the sole resource of the teacher. Independently of the impropriety of making the sacred volume a horn-book for beginners, we deeply deplore, and we are certain the majority of masters deplore, the absence of other books, which may serve to interest and instruct the children—and most assuredly without diverting their thoughts from the sacred truths and laws which the Bible lays before them.

The technical knowledge which must be united to the practice, patience and judgement required in the government of a school is not common among the gentry or clergy of England; and the secret of the stagnation of the National schools lies simply in the fact, that the gentry and clergy have been relying too much upon the system and the master accredited from the Sanctuary; whilst the National Society has required for its improvement, nay, even for the full application of its own machinery, a degree of vigour and experience which it is not very usual to find in rural parishes. The position of the National Society does not appear to us to be sufficiently inattackable, especially in the details of its operations, for it to set up the cry of invasion and aggression the moment a more active and efficient power is invoked to promote the same end. And we are at a loss to understand on what principle, not only of Christian charity, but of common fairness and honesty, they have chosen to assume that Christianity and religious instruction were not intended by *every* one who has turned his attention to the subject (with the exception of a few speculative writers), as the basis of education. The most recent manifestoes of the Society do not admit of the possibility of any means of improving the system of public instruction besides their own; and they hardly condescend to acknowledge those resources which the co-operation of the Government, in conformity with its duty to the Church, is willing to place at their disposal.

Nevertheless, the strong appeal which has this year been made to the public was accompanied by the formation of Diocesan Boards, which unquestionably bring the hierarchy

into more direct connexion with the system of the National Society; and these Boards have already taken steps towards the establishment of training-schools for masters and mistresses, and the arrangement of a regular system of inspection:—

“ With a view, thus further to provide for the education of the great body of the people, the Society appointed a Committee of Inquiry and Correspondence, in order to ascertain what measures were best suited to this end, and to communicate with the various individuals and bodies whose co-operation appeared requisite for its attainment.

“ It is not necessary to detail the measures adopted in consequence. It is sufficient, perhaps, after acknowledging the great obligations which this committee have, by their exertions during the past year, laid upon the friends of national education, to state, that, with a view to the more effectual promotion of the above-mentioned objects, THIRTEEN DIOCESSAN BOARDS have been already established, in connexion with the Society, and under the authority of the respective bishops. These Boards comprise the members of the chapter, the clergy holding office in the diocese, together with the principal laity filling public situations, and many intelligent persons of the middle classes. The establishment of a Board as a centre of union for all Church schools, the president of which is the bishop of the diocese, and, as such, a member of the committee of the National Society, offers the surest prospect of combining local energy with general uniformity of principle. And the exertions which the past year has witnessed bid fair to complete the structure, of which the foundation was laid long since in the grammar-schools endowed by the piety and munificence of royal and private benefactors, and of which modern times have witnessed the expansion by means of our National Schools.”

The hopes which the committee entertain are perhaps somewhat disproportioned to the means at their disposal, since the annual subscriptions of last year amounted to no more than 1212*l.*: but the money derived from the queen's letter and spent in the erection of school-houses is really invested for the benefit of the country; and when a more complete system of instruction is engrafted upon the present plan, our descendants will not be unmindful of the zeal which raised those buildings. But what is really required is something more than a judicious use of bricks and mortar, or the report of a district-surveyor; and to meet these wants, the ulterior measures of the Boards have been conceived.

The first part of the plan which appears to meet with approbation from the National Society, proposes to unite the preparatory schools for teachers with such schools as

might afford a sound education suited to the occupations of the middle classes. We quote the following observations from Mr. Hussey's letter to Mr. Acland on the system of education to be established in the diocesan schools for the middle classes :—

" There is no reason why the school should not be established on the same principle as our foundation schools : the commercial part of it would correspond to the ' oppidani ' or independent members, the training part to the foundation ; and the latter might be filled up from the former, by taking off the best boys who would be willing to enter on the profession of schoolmasters : and to them might be given such exhibitions or assistance as should be founded in the system, to maintain them during the additional time spent in the training part of education ".

" This scheme supposes, that the course of education given is materially the same for the middle class generally as for those trained to be masters : nor does there seem to be any reason why they should be different, until you come to the later stages of preparation for the duties of teaching, given to the latter of the two. For the best preparation for a master is simply, at first, the best education ; right principles, clear perception of duties, moral habits generally, knowledge of various subjects, are no otherwise taught or to be acquired in the case of the future master than in that of any other person. Some necessary qualities are not to be taught at all, but gained by practice in acting upon common principles learnt before, as firmness, patience, good temper in governing. Some cannot be learnt very early, as knowledge of human nature. Those which seem most properly the subjects of a training system may be easily taught *after* a course of general education in common with other boys, such as knowledge of some other subjects than those taught in common, *technical* knowledge of all the subjects taught, habits of thinking and speaking with precision and clearness. These are reasons why there is no need of setting up separate training schools, because joint schools would answer your purpose as well or better. Certainly *better*, if it should ever happen that the training schools were overdone, and tended to breed system-mongers and machinery-men, instead of judicious teachers. For after all, boys are not machines, and the best *theory* of teaching will fail, unless it be first founded on a just knowledge of human nature, and afterwards applied with a knowledge of human nature.

" If it be said against this, that it is a slow process, that it would need a long time to breed up efficient masters, whereas we want to do something *now*, I answer, it would take no more time than any other plan. If you found *separate* training schools, you must educate there until the persons are of a certain age ; if you have but one joint school, you may make them fit by the same age. The only difference is, that in a separate training school they would pass all their time in training *professedly* for masters ; in a joint school they would pass a part of the *same space* of time under the general system of the school, and only the remainder of it in training *professedly* as masters. In both cases the same number of years would be needed to produce a *breed* of masters such as you want."

"It is not commonly thought that training schools are wanted for the masters of our classical schools, nor training colleges for tutors; the best training here is the best education: the general course of education gives the principles and the knowledge required; and experience of the system under which he has been educated gives each man the means of carrying out that, or other systems afterwards. So it might be with the future masters of the commercial and national schools. Provide them with good general schools to educate them and form their characters aright, and add to these such helps as may enable them to prolong and improve that education to the higher degree required for their profession, and it seems that nothing more would be wanted to produce and preserve a race of such men as the country wants for teachers."

We entertain considerable doubts of the success of this plan; the Commercial School might possibly gain, but the Training School would lose much of the proper spirit which ought to reign there. The school education of a lad intended for trade ends at fourteen or fifteen, and the training for the business of his life commences under very different circumstances: but the apprenticeship of the teacher, as well as his acquired learning and moral culture, is scholastic. The better parts of his training are to be continued in the establishment, at the age at which his comrades have already left it: and though a good general education may be the best qualification for a teacher, yet we could wish him to be brought up with more simplicity and more attention to technical instruction than a general school would afford. Above all, the qualities which fit a man to be a schoolmaster require to be tested with a minuteness rarely applicable to the turbulent and varied characters of a large public school.

It is ever to be remembered that on the character and competency of masters the fate of schools depends—nay, more, the fate of the education of the younger generation in this country, since on their aptitude depends the possibility of improving the existing system. Let us suppose however that the monitorial system, which prevails to a greater or less extent in almost all the schools of this country, shall retain its sway, because it affords an easy means of maintaining the discipline of a school and hastening the acquirement of elementary knowledge among the children; but the monitorial system will do little or nothing to promote the real *education* of the children, unless it be constantly united to the active

influence of the teacher. The discipline of the school may be excellent, the children may have acquired great readiness in learning, and all the mechanical parts of school-keeping may be accurately and successfully carried on; but the real value of the school will depend less on these merits and attainments than on the direct influence of the master's moral and mental qualities. A monitor may teach his class to spell a word or read a sentence, but in order to interest the children in what they are learning, and to connect the arrangement of letters and words in sentences with something of a higher character which may abide in the mind, the master must complete what the monitor has begun. He must give the children the consciousness of having learned something besides the mere form which they have just committed to memory: that is to say, he must try to touch some association or subject of interest in their minds, which may make them feel that they have connected something new with what they knew before, and prepared themselves for further inquiry. The means to this end are very simple, if the children be taught to connect what they learn in the school with the objects and occupations of their daily life. The great thing is to teach them to see how things stand in their relations to each other, to teach them to compare what they learned yesterday with what they learn today—in a word, to make their minds act, whenever their attention is engaged; otherwise teaching becomes a mere operation in the hands of the monitor, and the children remain passive.

It is difficult, if not impossible, that monitors should be found to trace out the connexion of subjects which may be suggested by the lesson to the class, or to select topics fitted to interest and improve the children. In the Borough Road Lancastrian School this is done to a considerable extent, but the monitors are permanent, acting indeed as assistant teachers, and their style of interrogatories is chiefly traditional. Generally speaking we should very much prefer that this higher but indispensable part of instruction should be performed by the teacher himself. It would be well if he applied some attention in the course of the day to each of the classes in turn from the lowest to the highest: for a few words from the master will do a great deal towards imprinting and applying in the mind the lesson taught by the monitor.

If all this be true of mere mental instruction, and if it be important to combine some knowledge of objects and facts with the knowledge of words and forms of language which the child is acquiring, it is far more true and more important with regard to moral training. There is no doubt much benefit to be derived from the habit of obedience to delegated authority, and from the principles of justice and forbearance which the monitorial system brings into practical operation amongst the children. But, on the other hand, you have to guard against the abuse of the principle of emulation, and it may sometimes happen that the monitor best able to teach what is to be taught, will not always be best able to fulfil the difficult duties of class-government. The remedy for these difficulties is in the teacher. It is his part to be, as it were, present in every part of the system; to be always ready to draw a moral lesson and put into practice a moral precept, not only from the subjects of instruction, but from the incidents happening in the school. We assume that the children have imbibed correct notions of morality and have preserved their hearts pure and their minds simple under the teacher's guidance; for if he has failed here, there is hardly any chance of his making them good or useful. To keep these feelings alive and to make them stronger, the best way is to appeal to them,—to set the conscience at work either by the sympathy of other consciences in the school, or by a direct address to the reflecting conscience of the child,—in a word, by suggesting to the child opportunities for the exercise of the moral judgement, just as you should suggest to it opportunities for the exercise of the reasoning faculties.

These duties may sound as if they were difficult of performance. It is true that the monitor is not placed high enough, or possessed of sufficient experience to perform them: but the teacher will find himself discharging all this and more, if he make a point of drawing the minds and hearts of the children to himself by occasionally addressing to them a few sentences to direct their thoughts, by removing the difficulties which the rudiments of learning are more apt perhaps to multiply than to resolve, and in short by talking to them in the style suited to their age, their circumstances and their occupations.

Above all, it is important to recollect, that whilst we are in-

volved in ceaseless debates as to the manner and the matter of public *instruction*, the teacher finds himself within a narrower sphere in presence of the far higher question of the *education* of living human souls. The legislature may be divided as to the creed which is to be inculcated or the catechism which is to be taught, and every man will come to the work with his own creed and his own catechism—a hopeless jargon, an unprofitable warfare; but to those who are once earnestly engaged in the work itself, these outward matters of the law assume a comparatively secondary value. It is only where the mechanism of a school is all it can boast of, that the formularies on which that mechanism is constructed are all-important. He whom you would train to be a good teacher must be prepared for more arduous cases by far deeper cultivation. He will soon learn the worth of school mechanism—of one system after another of what Lord Bacon calls ‘swimming in corks or dancing in heavy shoes,’ which may contribute more or less satisfactorily to facilitate the acquirement of knowledge. But we do not hesitate to say that the work had better not be attempted at all—that ignorance itself is less pernicious than instruction not accompanied by a wise moral discipline and a strong practical religious feeling. Every child upon the benches of your school bears within him the mysterious powers of man, capable in some degree of all the good and all the evil of which man is capable. To faculties so complex, to desires, when once awakened, so boundless, to passions so energetic, to consciences so irresolute, you must speak more audibly and more directly than you can do from the spelling-board or the routine of class-teaching. The teacher ceases to be the mere agent of this or that party, paid by the State or appointed by the Church, if we include the whole of his duties in our view of his position—he becomes the deputy of the Parent. It is for him to teach the will to yield, to direct the active imagination of the young to what is pure and right, to call forth the better parts of the heart, to form the character—in a word, to draw from the Book of Life, gradually opened to his scholars, the rules which are God’s laws, the promises which are man’s hopes, the lessons of love, the wisdom of piety. It may be that one method of school government is more fitted to attain these objects than an-

other : but to the teacher, we repeat, the question is not one of this or that method, this or that inspector ; it is the sense of duty, it is the hope that he is really forming the characters of future men, which can alone carry him through his task.

In all that has been written of late on this important subject, we have nowhere found a purer view of the serious duties of the teacher, joined to more excellent practical good sense, than in a little book*, which we recommend to our readers, and especially to patrons who can put it into the hands of their own schoolmistresses, on the strength of the following extract :—

“ I would venture to give you one caution with regard to the mere knowledge communicated in your school. By no means undervalue the children's learning, but yet look more to the spirit in which knowledge is conveyed than to the knowledge itself. It is a very common mistake which is made by young men and women a little advanced before most of the young men and women of their own class, that they are apt to value their acquirements too highly. They think learning is not merely ‘ better than house or land,’ but better than temper, better than health, better than a sound mind and strong body. Do not take up any such absurd notions as these ; for depend upon it, these acquirements, if not given in the right spirit, are, I will not say useless, but by no means of that high value which some people think. Observe, I do not even except religious knowledge, when I speak of the possible overvaluing of learning ; and indeed you may do as little good by certain ways of imparting religious instruction as by any sort of instruction whatever. You may cram a child's head full of scripture facts and scripture doctrines, without in the least advancing it in the way of personal religion. There is such a thing as a teacher fancying she has discharged her conscience and done her duty by a child, because she has scolded it (if we may so say) in the language of scripture, unmindful all the time of the spirit in which she has ventured to use such sacred weapons. This is indeed so gross a deception, that it may be hoped it is not very common—but still I fear many teachers are hardly aware of the caution required in quoting scripture, or of the presumption of using it in an unholy, unkind spirit. Some persons will *fling* a text at you, as if it was their own property, to use or abuse as they please. And there are others, kinder and milder, who do not so ; but who quite overload children's memories with what they can neither understand nor apply. Now I do not say that children are to learn nothing but what they can *directly* understand. Something must be laid up in the mind's storehouse for future use, and it is in the experience of many people that what was not quite intelligible when first learnt, explains itself as we proceed. Children must

* ‘ Help to the Schoolmistress, or Village Teaching,’ by Emily Taylor. Harvey and Darton. 1839.

trust us and learn with patience what now may seem dull and uninteresting, which is no more than we ourselves often do from a sense of duty—the only difference being that their weaker will requires more of the aid of authority. This however may be fully admitted, and the principle acted upon, and still caution be observed in not doing so much with a view to the future, as that the mind is injured thereby for the present time. With very young children in particular you should not so much regard the quantity they have learnt by rote, or the fluency with which they are beginning to read, as whether their *whole* minds seem to be awake and alive—whether they can really see and give a just account of any object or fact that comes before them.

“ I should recommend you not to think so much whether the child has learnt the catechism well as whether it can give in its own childish words an intelligible account of what that catechism was designed to teach. I think everything that is done should be well done; therefore when a catechism or hymn is to be learned by rote, it should be repeated perfectly, but do try and bring something more than the memory into the business. A little story or anecdote illustrative of a precept or promise may sometimes be introduced with advantage. Questioning on these, as well as a variety of other subjects, is very desirable, but it depends altogether on the skill and perception of the teacher; for nothing can be more tiresome or more tyrannical than to pursue it as I have seen it done, long after we have reached the tiring point.

“ When once the greater part of the scholars answer at random and merely to get rid of your questions, you may be sure you have ceased to interest them, and had better stop. It may, however, be made very entertaining in judicious hands. If you take pains to enter into your children's minds, and find out what chiefly interests them, your questions may have a bearing upon those subjects, and will not fail to bring some life and spirit into their answers. This may be done and proper use may be made of very familiar things, without constantly ringing changes upon their own station and its peculiar duties, as if they had nothing to do with any other part of this world. It is surely an error to confine one's talk with poor children thus. A great part, the most important part, of our Heavenly Father's dealings with his family are general. His sun shines, his rain and dew fall for rich and poor alike. His gospel is for all. Our blessed Saviour taught, healed, comforted, blessed, and saved all who came to him. Sickness is for all,—changes,—the loss of friends,—the lot of youth and age,—advantage and decay,—these also are confined to no station; neither are the flowers of the field, the perfume of the air, the song of the birds,—neither are love or hope or desire after excellence the property of the rich more than the poor—neither are the senses of the labourer less acute than those of his richer neighbour: he can see and hear, he can speak and sing. I would certainly talk with poor children, as opportunities arise, and particularly in private, of their own present and future lot, the duties and trials of their humble homes, their temptations and sufferings; but let me beg of you to look beyond all these. Try to lift them up; to make them feel for

themselves what you feel for them. Believe me, a poor man or woman need not be shut out from some of the highest and most beautiful thoughts which can enter into the human mind.

"As you already know that 'to the poor the gospel is preached,' perhaps you will wonder that I should repeat what seems such obvious truth—but do you not see how little effect this truth has, in comparison with what it should have? how little respect for themselves and their own natures the poor generally possess, and how very much they need to feel the true spirit of the gospel and enjoy its comforts? I should say that you may do more for your children, if your own heart is properly impressed on these subjects, than your minister can, because you have numberless opportunities which he has not of getting at their minds, and making them feel that you do know what blessings as well as what trials God has appointed for them."—*The Schoolmistress*, Pages 15—17, 19—21.

The same views have been adopted in the Report of the Exeter Diocesan Board of Education, from which we borrow the following clear and comprehensive remarks:—

"In the first place, then, it may be stated, that under parochial education, as ordinarily administered, the instruction is not so given as most effectually to form the character and discipline the mind of the learner. If the object of education be to qualify a man morally and mentally for the due performance of the duties of his station, to impart to his mind such an healthy and active tone as may enable him to bring to bear upon his daily conduct such impressions as he may receive, and such facts as may be communicated to him, if, in short, education is *training* and not merely *teaching*, then that education is deficient which contents itself with giving a knowledge of facts to the learner, without at the same time developing the faculties of his mind, and leading him to discover for himself the practical bearing and mutual relation of such facts. To make a boy read a story, for example, without afterwards making him repeat it from recollection, to describe to him the natural qualities of any object without, as far as possible, letting him verify your description by handling and examining it, to set before him, as a lesson, without a map, the account of St. Paul's journeyings, or the history of the calling of the Apostles and of the subsequent promises made to them, without at the same time leading him to infer the privileges and responsibilities which attach to him as a member of an Apostolical Church, would be to communicate to him so many facts in the way least fitted to exercise and strengthen his memory or his judgment, and least adapted to retain any practical influence upon his conduct.

"It may be further stated, that another deficiency in the education of the lower orders taken as a whole, is the absence of a direct and practical bearing on the employment for which the children are destined when they grow up; and while they take this opportunity of expressing their disagreement with many of the visionary theories of education, which have been broached by benevolent enthusiasts in modern times, based upon a principle which is unsupported by the analogies of Providence, viz., that it

is a duty to impart to all classes the greatest amount of knowledge which they are capable of receiving, often to the neglect of the principles by which the application of that knowledge is to be directed, your Committee at the same time are of opinion that the admitted evils which proceed in many cases from an exclusively intellectual education of the lower orders, would be materially obviated by their being taught at the same time what may assist them to gain their livelihood in after life. While, therefore, your Committee feel that this subject does not at present call for consideration (any farther than as it may bear upon the system of instruction adopted in the training school,) they wish to suggest it for future inquiry on the part of the Board, only observing that, while it is probable that the local circumstances of small country schools would prevent the introduction of any manual labour, (except, perhaps, the employing the boys in a garden,) still in towns, where the numbers would be large, it might perhaps be practicable to carry it further, by teaching the girls the duties of household work, as is done at present at the Central School in Exeter, and the boys, as is the case in many workhouse schools and others, some handicraft trade.

"But there is another deficiency in parochial education, which, as it seems to your Committee, is of primary importance, the incomplete and unsatisfactory instruction in Religion which is in too many cases given, the teacher being too often incompetent or unwilling to give the received explanation of any passage, and thus it is to be lamented that in this, as in other branches of education, the boy too often learns by rote, without attaching any meaning or importance to what he acquires. It is further much to be desired that the teachers of parochial schools, however religious and well conducted they may be, should be more thoroughly instructed than, at present, it is to be feared they are, in that knowledge of the History of the Church, in that just understanding of the peculiar character of that branch of it established in this country, (as retaining the excellencies of primitive times, while it has purified itself from the corruptions of Romanism,) and that due sense of its privileges and its claims, and of the commission and responsibilities of its ministers, which would dispose and qualify them, without intolerance or want of charity, to impress those essential truths, gradually and judiciously, on the minds of their pupils.

"Such are, in the opinion of your Committee, some of the leading deficiencies in parochial education; traceable, as it appears to them, not to any inherent fault of the system which has been adopted in the majority of schools connected with the church, but rather to the fact that that system has, in too many cases, been worked by masters whose previous education has not qualified them to administer any system with effect; and your Committee cannot too strongly express their opinion that it is to the master, and not to the system, that we must look, if we hope to qualify the young for happiness in this world or in the next. They wish, moreover, to express strongly their conviction, that neither the most careful drilling in the details of a system nor the most vigilant inspection can ensure a good school, when the master is either deficient in the essential qualities of un-

deviating honesty and strict moral principle, or wanting in a due sense of the responsibilities imposed upon him by his profession, or fails to take a warm interest in the real improvement of those committed to his care. In endeavouring, therefore, to apply a remedy to the defects which have been mentioned as existing in parochial education, the object must be to raise up from the middle and lower ranks a class of competent and religious teachers, and to send them out to their different situations with the requisite moral and mental qualifications for their office, and, at the same time, with such strength of principle, such active zeal, and such absence of self-conceit, as may make them willing to remain in their respective situations, if fairly remunerated. Your Committee are of opinion that there is no way, under Providence, so likely to attain this object, as the judiciously training those who are to become masters; and they accordingly recommend the establishment of a *DIOCESAN TRAINING SCHOOL* in Exeter, under the superintendence of a resident principal, with the aid of such assistant teachers as may be required in reference to the system of instruction which it is proposed to adopt."—*Pages 8—10.*

The Report then proceeds to define the principles on which the Training School is to be founded.

"In suggesting a scheme, they have borne in mind—

"1st.—That the object of the proposed school is to train the pupil *primarily* as a man, a Christian, and a churchman, and *secondarily* as a master. And

"2ndly.—That its business is to train masters for *both* middle and parochial schools.

"With these views, then, and in accordance with the foregoing principles, they would observe that the pupils of the training school are to be considered under two points of view:—

"1st.—Simply as students, to whom knowledge is to be given, or whose previous acquirements are to be confirmed, extended, and methodized.

"2ndly.—As persons intended for masters, and therefore requiring to be theoretically and practically taught the art of teaching.

"As *students*, therefore, the pupils are to be made religious men, and good churchmen, to have their tempers and characters formed and disciplined, and their minds cultivated and provided with a knowledge of such facts, as in their respective spheres, whether of middle or parochial schoolmasters, it will be their duty to communicate to their future pupils.

"As *masters* they must be instructed in the principles of teaching, and exercised in its practice, by giving lessons, under the inspection, and with the aid of the principal of the training school in middle and primary schools connected with the institution. To this end, (in case of there being no middle school sufficiently near to, and connected with, the training school,) your Committee suggest that it would be highly desirable, if funds admit, that a middle

school should be established, and that the Central School of the National Society should be employed, if the managers are willing to grant permission, as a training ground for parochial schoolmasters.

"Upon the head of instruction your Committee would further observe, that the object of the training school being, as has been stated, to train masters for both middle and parochial schools, it follows, that while some portions of instruction are common to all the pupils, others of a more advanced character can beneficially be communicated to those only who are in training for the schools of the higher class: religious and moral training are, it is obvious, equally necessary for all, while, in literary instruction, it is not needful, nor (except perhaps in a few cases of peculiar talent) is it desirable that the pupils in training for parochial schools should be carried beyond a certain point. It has been therefore considered, that while from two to three years would ordinarily be a sufficient period for the training of the one class, the other would probably require a residence of four years, in order to qualify them for their more advanced course of tuition."—*Pages 12, 13.*

The actual course of instruction proposed is as follows:—

"GENERAL.	RELIGIOUS.
<p>"1st year.—Grammar and English reading. Arithmetic. Elements of natural philosophy.</p>	<p>The Holy Scriptures generally, with special instruction in the Old Testament history, and the four Gospels. Exposition of Catechism, and of the Morning and Evening Prayer.</p>
<p>"2nd year.—English reading. —— history. —— geography. Higher branches of arithmetic and elements of geometry. Botany.</p>	<p>The Acts of the Apostles, with the geography. The Prophets, with so much of ancient history as shows the fulfilment of the leading prophecies. Further exposition of the Liturgy.</p>
<p>"3rd year.—{ Theory and practice of teaching, (as regards parochial schoolmasters.)</p>	<p>The Epistles. The history of the early ages of the Church, and of the English Reformation.</p>
<p>"Applicable to masters in training for middle schools. { Book-keeping. French. Modern geography. English history. General history. Mechanics. Hydrostatics. Drawing, mapping, &c.</p>	
<p>"4th year.—Theory and practice of teaching (this applies to those training for middle schools.).</p>	

"Your Committee further recommend, that, as soon as may be practicable, a sufficient quantity of ground for a garden be taken for the use of

the pupils, and that they, (or such of them as the principal may select) be employed in cultivating it in the best way adapted to accustom them to manual labour, and to give them a practical acquaintance with improved modes of cultivation. They also beg to add a recommendation that the pupils be instructed in music, so far at least as to give them the wish and ability, when in their respective situations of middle or parochial masters, to teach the children under their care to take part with propriety in the choral services of the Church."—Page 14.

It is to be regretted that these encouraging statements are all written in the *paulo-post futurum* tense, and have still to pass through the phases of the present, the imperfect and the perfect. But at least they afford demonstration of that ability which no one, even of his opponents, has denied to the bishop of Exeter. The accounts of what has already received its accomplishment have not reached us. The more obvious are the merits of the schemes here laid before the reader and the more important are the principles on which they rest, the more is it to be regretted that they should be allied with the craft of polemics, or tainted with the bigotry which has marked some other productions of the same vehement prelate. The oil which the bishop would pour on the agitated waves of controversy, burns with the fury of an essence, at once inflammable and corrosive: and whilst he arrogates to himself the full authority of the Church for his opinions, he does not disdain to throw the protection of her pacific robe over such outrages on social propriety as no layman could perpetrate with impunity.

We shall presently refer to the statement of the plan for the Central Training School of the National Society which is given in the last report of that body. But whilst we express our approbation of these proposals, we adhere to the assertion, that the projects of the Government were not less called for, or less calculated to accomplish a laudable object and an important duty. For admitting that schools in this country must necessarily be under local government, whether of the clergy or of lay-committees, the most efficient assistance the State can afford (after it has subscribed to the first cost of the building) is by preparing able masters and accrediting competent inspectors. Were it only to meet the wants of schools maintained by private benevolence, not in connexion with the National Society at all, the foundation of a general training-

seminary would be an incalculable benefit. Such is the want of masters at the present moment, that in one of the great schools which now prepare teachers for the country, there are unanswered applications from places with salaries whose gross amount exceeds 5000*l.* a year.

These projects are more clearly made known to us by the pamphlet which we have placed at the head of these pages. We regret that the original scheme of the Committee of Council was abandoned, because we are persuaded that the outcry raised against it was not raised against that scheme, but against a monstrous phantom which never had any real existence. The proper way to dispel that delusion was to proceed with the execution of the real plan. That plan was to found a training school, with a primary school annexed to it, which might have supplied annually some twenty or thirty teachers to the country. No more was projected, no more was possible with the very limited sum demanded for the purpose in the estimates of the year. This institution would have offered no rash or impious innovation,—the system of instruction would have been akin to that followed in the training school of Glasgow, from which many able Presbyterian masters are brought to be placed at the head of Church-of-England schools in this country; the spiritual control of the establishment would have been in the hands of a chaplain of the Church of England, and the concession which was made for the separate religious instruction of dissenting pupils was strictly analogous to the concession made by the 19th sect. of the Poor Law Amendment Act. The execution of this plan would have been entrusted to individuals professing the identical opinions which we find contained in the following instructional letter to the chaplain of the establishment for pauper children at Norwood—a document which deserves to be quoted as much for its intrinsic value, as for the corroboration it affords of this view of the Government plan.

"In appointing you to superintend and to conduct the religious instruction of the pauper children trained in Mr. Aubin's establishment at Norwood, the Poor Law Commissioners are desirous of conveying to you their views respecting the arrangements by which your important services may at the earliest period be rendered most efficient.

"The Commissioners do not presume to suggest what course shall be

adopted in the inculcation of the essential doctrines of Christianity, a duty arising out of your sacred functions, which they have no doubt you will discharge, as it is their earnest wish you should, so as to be satisfactory to your Diocesan; but they conceive it their duty to make you acquainted with the relation which the religious instruction of these children holds to those peculiarities in their condition attributable to circumstances to which they have been exposed, or which arise out of the design of the institution in which they are placed, as affecting the position they are to occupy in after life. By attention to such facts, the Commissioners believe your instructions may be in such harmony with the other agencies employed for the moral training of the children, as greatly to increase the efficiency of those means, and, under the blessing of God, to promote the success of your own labours for the moral and religious improvement of the children.

"The secular instruction, and the moral and industrial training, adopted in the several departments of the school, are designed to counteract the vicious tendencies already given to the dispositions of the children. The teachers will rear them in habits of industry, cleanliness, punctuality, and order. They will be taught to speak the truth, and trained to be kind to their fellows, to be respectful to their superiors, to preserve whatever is entrusted to them, to be honest and subordinate. They will be informed how they may best secure themselves against the vicissitudes of life, and what are the consequences of vice. Such practical lessons will pervade the secular instruction and the moral training of the school; but it is also desired that the sanctions of religion should be the foundation of this instruction, and that the relation between the present and future condition of the children, the claims which religion has upon their thoughts, and the influence it ought to exert on them in all the practical duties of their lives, in their households, and in society, should be carefully depicted.

"The Commissioners are desirous that all other departments of religious instruction should be conducted according to your own sense of the duties of your sacred office; but you will permit them to describe in what way your superintendence may at once be brought into active co-operation with the other expedients adopted for the moral training of the children, by establishing a plan of instruction in which the sanctions of religion may supply the best motives for a discharge of the practical duties of life.

"The Commissioners have enjoined that prayer be said every morning and evening in the school. It is not necessary to say that, in order to be useful to children, such a daily service should not occasion weariness; probably the service should not exceed a quarter of an hour, during which a portion of Scripture should be read, a hymn or part of a hymn sung, and a prayer offered. If the verses read be selected (whether from one chapter, or from two or more portions of Scripture), so as to illustrate some one precept or thought, or doctrine, and the hymn be chosen with a view to throw further reflected light on the same idea, which may also pervade the prayer, it is believed, that with due solemnity and kindness of manner, the attention of the children may be aroused and sustained during the service. Sometimes it may be useful that each alternate verse of the brief selection

made should be read simultaneously. In order that the hymn may be sung with propriety, the Commissioners have directed the children to be trained in psalmody; and they confide to you the selection of the verses, as also of the hymn and of the prayer. With this view the teachers are directed to await your instructions in this matter.

"One hour daily is to be devoted to the reading of the Scriptures in those superior classes of the school which are able to read fluently in the Old and New Testament. The object of this lesson is, not to improve the children in the art of reading, in which the classes so employed are supposed to have attained considerable proficiency, but to enable the children to attain such a knowledge of the Holy Scriptures as may, in after life, exercise a practical influence on their thoughts and conduct.

"The Commissioners recommend that these lessons be given to classes of 40 or 50 children, arranged at the parallel desks, and that the simultaneous method of instruction be as much as possible adopted, tested by special individual interrogatories, and written answers, both immediate and from memory. This method is commended to your adoption, because the Commissioners entertain a strong conviction that you will find it useful in sustaining the attention of the children, in awakening their sympathies, in calling their feelings into active exercise on the important subjects to which it will be your duty to direct their thoughts, and, in short, in bringing their minds into the closest harmony with your own.

"The Commissioners are desirous that you should personally conduct the religious instruction of one class at this hour daily, and that you should give such directions as you may deem necessary to guide the teacher in the instruction of any other class to which it may be desirable that similar instruction should be conveyed at this appointed hour.

"Every class, and consequently every child in the school, will thus at least once every week, have the benefit of your religious instruction, though the children able to read in the Old and New Testament will probably claim a greater portion of your time, because they may be expected to leave the school soon.

"The Commissioners further express to you their sense of the importance of regulating the order of reading the Scriptures from day to day, during the appointed hours of religious instruction, by some method which may serve to show the connexion between the historical and prophetic writings of the Old Testament, and the Gospels and Epistles of the New. The great success which has attended the system of biblical instruction conveyed by Mr. Wood, the conductor of the Edinburgh Sessional School, induces the Commissioners to solicit your perusal of his 'Account' of that institution, and your special attention to the method adopted in that school in the biblical instruction of the children. The weekly recapitulation of previous lessons appears an important part of the plan pursued by Mr. Wood.

"The hour devoted to religious instruction should be punctually observed, care being taken to commence and conclude the lesson precisely at the appointed period. This is necessary, not only for the maintenance of order in the routine of the school generally, but because certain children may,

by the provisions of the 19th section of the Poor Law Amendment Act, be withdrawn from the school during this period : and as it may be convenient, to allot this interval to the teaching of such licensed ministers as the parents or natural guardians of such children may appoint for that purpose, greater inconvenience would result from a want of punctuality in this portion of the daily routine than in any other.

" If the afternoon were selected for this purpose, you would probably find it desirable to conduct the evening prayer from time to time personally.

" The Commissioners wish your attention to be directed to the accomplishment of their desire, that the children who are on alternate days employed in the workshops, should on those days read the Scriptures, either at the hour appointed for religious instruction, or at such other time as may be most convenient.

" You will appreciate the propriety of selecting, for the use of the teachers, such forms of grace and thanksgiving at meals as you may consider most suitable to the understandings of the children, and in closest harmony with the design of the establishment. The Commissioners have directed Mr. Aubin to supply a sufficient quantity of Bibles, Testaments, and books of Common Prayer, and they entrust to your direction the steps to be taken for making the children (not withdrawn from your care) acquainted with the Catechism and formularies of the Church.

" The master employed to teach the children psalmody has been directed to instruct them in chanting those portions of the ritual directed to be sung, in order that Divine service may be conducted with greater solemnity on Sunday. This, the Commissioners have reason to believe, will obtain your cordial approval."

Such are the views and such are the practical arrangements which have been adopted by the Poor Law Commissioners in their great pauper school, and which would have been followed up on a more complete scale in the establishment proposed by the Committee of Council. Such are the views and arrangements which are approved by bishops at Norwood and attacked by bishops at Whitehall. Exaggeration and mistrust magnify the imaginary invasion of our holiest institutions; whilst they veil the evil of palpable ignorance and real inability to combat it. In the hands of a conscientious chaplain it cannot be doubted that the religious instruction of the Normal School would have taken its tone and borrowed its forms from the Church of England. In the school at Norwood, containing considerably more than one thousand scholars, the number of children withdrawn from the Church-catechism and Church-worship is extremely small, although as that is a pauper, not a voluntary school, it might be supposed that

a greater number of parents would decline a form of instruction in which their choice is not consulted. The evidence of Mr. Wigram and other competent witnesses clearly proves that no objection is made by the great mass of dissenters to the mode of religious instruction prescribed even by the National Society. Dissent is less a matter of doctrine, or theological conviction, with the lower classes, than it is the effect of a taste for the preaching of the conventicle, or of gratitude for the more humble offices of the Methodist parson. The Roman Catholics form a class apart, recognising as their head in all spiritual matters a power wholly foreign to the state of which they are members, and they could not consistently have approached a normal school founded under such auspices. In short, the chief defect in the minute of the Committee of Council, which was so promptly surrendered, appears to us to consist in provisions for difficulties which would probably never have arisen at all. We have dwelt not so much on those provisions and details as on the spirit by which it was suggested and which it was calculated to carry into practice.

If there be one feature common to all the plans for educating the people now afloat, it is the recognition of the want of teachers. This is a symptom not only of the increase of schools, but of an increasing sense of the importance of teachers as they ought to be. To meet the want our present means are glaringly inefficient. Here, a school is languishing for a want of the stimulus of a competent master; there, an establishment is handed over by some well-intentioned committee, utterly ignorant of the subject, to the grossest quackery or the foppery of the last new method.

"For none more ready than these guides of youth
To make a system and to call it truth."

We have before us some specimens of one of these systems, which has been introduced to a considerable extent in and near the metropolis. It proceeds from the brains of a Mr. Wigram, who some years ago papered half the dead-walls of London with tricoloured advertisements of his "*Divarication of the New Testament*," which he professed to have extracted from the philosophy of Kant. Mr. Wigram has proceeded to divaricate for the use "of every

“good boy and girl in all the *infant* schools throughout the “kingdom.” The following production is sung to the tune of the “Highland Laddie;” and as the whole system is based on the “divarication” of the senses, the following verses may be taken to contain the great Arcanum :

“ Ear, tongue, and nose, you may suppose
 These three senses,
 These three senses
 Create our TIME as on it flows.
 Inward senses,
 Inward senses ;
 One after another goes through time—
 Else could we hear the sweet bells chime,
 Or up the hill or mountain climb ?

The hand and eye feel all at once ;
 These two senses,
 These two senses,
 These make SPACE or I’m a dunce ;
 Outward senses,
 Outward senses.
 Without extension, what would be
 This lovely world that now we see
 But a mere non-entity ;”

Mr. Wirgman assures his pupils and the public that “when this is adopted, virtue will supersede crime, and establish peace and harmony on earth.” But to make the regeneration of mankind certain, the children educated on this system are examined at suitable periods in the twenty categories of the pure reason, and tortured with all the purposeless refinements of metaphysical subtlety*.

This transcendental method would not deserve more notice than the productions of any other philosopher within the walls of St. Luke’s hospital, if we had not positive evidence that it is at this moment received and adopted by one at least of the bodies on whom the management of large schools devolves. It has been well observed in defence of public instruction generally, that if you will not open schools to teach

* Putting aside the intolerable nonsense of teaching any metaphysical system to children of from ten to thirteen years of age, Mr. Wirgman does not teach Kant’s doctrines, or anything like them.

people to be religious, moral and reasonable beings, the younger generation will be greedily caught up by the schools of gross prejudice or superstition, by the academies of vice and crime, and by every means which encourage folly or inculcate immorality. But the same argument holds good with regard to schools maintained with the best motives, if the supply of masters is inadequate; if there be no recognised means provided for securing proper persons to manage them; and if there be no power of visiting by prompt exposure and repression such attempts as this of the "Divarication of the five senses," in which nothing is clear but the divarication of the senses of Mr. Wirginan. This evil is almost inaccessible to inspection, because there will always be a multitude of schools in this country which the jealousy of local government—so valuable a guarantee to many of our social privileges—will cover from the correction of the State. But if public training schools are instituted, they will raise the standard of public instruction to a higher level, and they will render the mischievous medley of routine and rhodomontade, which is now too often miscalled education, if not utterly impossible, at least less common. We therefore look forward with great interest, for the sake of the metropolitan schools, to the performance of the promise made in the last report of the National Society; which, though less complete, bears considerable analogy to the plan we have already described from the report of the board at Exeter.

"The Committee propose to found without delay, an institution for the boarding and training of young persons who are desirous to become teachers; to be managed under their own superintendence by a resident clergyman, being a graduate of one of the universities, and such other assistants (male and female) as the numbers under instruction may require. The period hitherto appropriated to training schoolmasters will thus be greatly extended; the difficulties and objections which have been experienced from the lodging of the probationers in different parts of London will be done away; young persons who are found to possess the natural requisites for teaching and managing children will be received into training before they have been engaged in other professions; the science of education and the best practical methods of instruction will be systematically taught; and a course of religious and moral culture and intellectual training pursued. The preliminary education of all pupils received into the institution will be the same in principle though not in extent. Facilities for the prosecuting of studies, peculiarly needful, whether for infant, national,

or commercial schools, will be afforded ; and the present central schools, in the Sanctuary, or other suitable institutions in London, will be organized and adapted for the practical exercise of teaching."—*Nat. Soc. Rep.* 1839, p. 11.

The primary outlay of this establishment is estimated at not less than 20,000*l.*, and the gross annual expenditure at an amount of about 3000*l.* The sooner it is founded the better : we have only to regret that the ignorance of the multitude, misdirected by the incredible assertions of jealous sectaries, should have succeeded in postponing the foundation of other training schools under the management and responsibility of the State, as was projected by men not less pious or able than the committee of the National Society—by men, too, who were prepared to extend the benefits of such training schools to the various sects whose errors and ignorances (as we think them) place them as foremost claimants for education and improvement. For we cannot but admit, that education, though vested in the Church and promoted by her, does not end with her ; and that when the law made dissenters and Roman Catholics citizens of Great Britain, by the abolition of all tests of exclusion, it admitted within the theory of the constitution, and placed under the protection of the State, those institutions of the land by which all citizens are prepared for the performance of their duties. The attack, however, which was directed against the Government Normal School on the first appearance of the Minute of Council of the 10th of April, was transferred with equal vehemence to the slender remnant of Government interference which survived the abandonment of the former plan. The question of inspection then became the issue by which the matter was to be tried. Here, too, the former course of misrepresentation was adopted : and it was assumed, first, that the most improper persons would be chosen to perform this delicate and arduous duty ; and, secondly, that their instructions would be of a nature to put them in flagrant hostility with local and clerical authorities—in other words, to make the accomplishment of their task wholly impossible.

It appears to us, that in the discussion which has arisen on this point—a discussion involving the high distinctions and limits of temporal and spiritual authority, each invoking the

fundamental laws of our society, and pleading the sanction of the most sacred duties—nobody has been at the pains to describe the condition to which all inspection must, in this country, be subject. That condition is, that its mode of operation is *indirect*. In England, the affairs of the Church, of the parish, of the city, of the school, and of the prison are administered by local bodies—by the clergy, by the aristocracy, or by those assemblages of free citizens which enjoy collectively a power equivalent to the personal privileges of the priest or the noble. To overturn this state of things by the introduction of a general system of centralization, would be to breed a revolution, to impair our public rights, and to destroy our national character. But whilst we hold this doctrine, no one will suppose that we mean to assert that the State has no duty and no right to see that the public interests are faithfully provided for. On the contrary, the State is bound to see that the trust of self-government is faithfully discharged. It is bound, not to do these things, but to see that they are done. It is bound to enlighten the twilight of local proceedings by the broad day-beams of public opinion; to counsel, to direct, to visit, and, as far as possible, to bring the administration of the country to a uniform system by the influence of public justice and political truth. In this sense, the State, in the person of the sovereign, or the sovereign's representatives, does, in fact, inspect almost all the more important institutions of the kingdom. When this kind of inspection is revived or asserted in some point on which it had fallen into desuetude, a clamour is invariably raised as if the whole exercise of local rights was usurped. If such were really the case, the proceeding would be unconstitutional, and the measure would defeat itself. Inspection, which is necessarily occasional, not constant, can afford no substitute for the incessant vigilance of those to whose hands our administrative system confides the actual performance of complicated and numerous public duties; but it is indispensable to secure and to reward their proper fulfilment. Its direct action would be destruction: its indirect influence is necessary to regulate and guide the machinery of the country.

Thus the Crown is *ex-officio* Visitor of various collegiate and charitable endowments, self-governed in everything

bat the necessity of submitting their trust to this inspection. In like manner, the inspectors of prisons have, by their admirable reports, exposed the evil and advanced the good in the system of our jails—not by depriving county-magistrates of their authority, but by affording them aid and advice, which have been rejected by none but the ignorant magistrates of the city of London, who still disgrace the metropolis and the kingdom by prisons which bear witness to the abuse of their powers of self-government. But if it be objected, that these instances are borrowed from the history of modern innovation, we have another case in store, to which that remark will not apply. The Crown, when it issues its *congé d'élire* to the chapter of an episcopal see, recommends, or, in other words, commands that body to name A. B. to the episcopal throne. The Crown, acting as inspector of the chapter, procures the nomination of an inspector of the whole diocese, to whose care the conduct of the gravest spiritual matters is entrusted. We do not contend for powers so extensive as these; but can it be argued in the teeth of these precedents, that the Crown, which can visit a college or name at pleasure an inspector (*ἐπίσκοπος*) of the Church itself, cannot constitutionally attach the condition of inspection to schools now built with the public money voted to the Crown for that purpose?

But if there be erroneous opinions afloat on the origin and nature of inspection, those which are entertained by the National Society as to its object are not less unfounded and still more prejudicial. In Mr. Sinclair's letter to Dr. Kay, the following objections are urged:—

“With respect to the object of such inspection, they desire to remark, that if secular instruction to the exclusion of religious be made the subject of investigation by a person acting under royal authority, and of official reports made by him to the legislature, the former will undoubtedly be encouraged to the disparagement of the latter. The master will almost unavoidably direct his chief attention to that department in which his scholars by a display of their proficiency will bring him credit with the government, and will neglect the other, which the government passes over without notice. He will be more anxious to see his pupils exhibit their attainments in geography, arithmetic, or history, than to instil into their minds, and impress upon their hearts, that less showy but more valuable knowledge, to which every other kind, desirable as it may be, ought to be

secondary and subservient; and by which alone they can be trained to moral duty here, or prepared for happiness hereafter. The same pernicious prejudice will be apt to arise in the minds of parents, and still more of children, who will naturally undervalue lessons to which no regard is paid on the day of examination."—*Correspondence of the Committee of Council and the National Society.*

In this and all the other communications of the National Society on the subject, inspection is treated as only another term for a periodical examination of the children, to determine their proficiency in certain branches of learning. Examinations of this kind may be of use as far as they furnish a means of appreciating the character of the management and the master. But it is not as a mere class-examiner that the inspector will be most useful. His influence upon the children must necessarily be extremely slight and transient. The presence of a stranger in authority may embarrass them; and the preparation for set-examinations is rather to be deprecated than recommended. The business of an inspector is far less with the scholars than with the master—far less, again, with the master than with those whom the master serves:—the clergyman of the parish, who is the appropriate visitor of the school, or the committee, in whom the administrative function is vested. Unless he secure the co-operation of those agents, whose duty and position give them a paramount claim to the whole *direct* management of the school, the mission of the inspector is vain. So far, then, from interdicting the clergy from the superintendence of schools, so far from shutting the door of a parish-school in the face of the parish-priest (we believe that even the Duke of Wellington condescended to use this gratuitous fiction), the inspector would avail himself of the only proper or permanent means of improving a school, by the instrumentality of those who founded it and who manage it, leaving, of course, to them a veto on his suggestions, subject to no restraint but that of example, public opinion, argument and common sense. Probably the Government do not intend to enforce a harsher mode of inspection than what is defined in the following sentence from the Report of the Diocesan Board of Exeter:—

"Your Committee, in mentioning inspection among the proposed terms of union, are anxious to guard themselves against being supposed to con-

template anything of an inquisitorial or invidious interference with the local managers of any school-union; but they entertain a strong conviction, that a personal inspection, by qualified and authorised examiners, *when carried on with the concurrence of the clergymen and managers* (without which it should never be attempted), will tend at once to raise the character and quicken the zeal of the master, to stimulate the energies of the boys, and by these means to improve the general quality of parochial education."

In fact, by the course adopted by the Committee of Council, the concurrence of the clergymen and managers has become an essential part of the contract between the State and those persons by whom the school is founded, since the correspondence between those individuals and the Council-office is now direct.

The Government entrust a portion of the parliamentary grant to the incumbent of a parish for the erection and support of a national school; the Government do not wish or attempt to found a rival establishment in the parish, but they demand that the clergy should, by their superintendence and co-operation, discharge their part of the contract to the full. This is well put in Dr. Kay's reply to the passage in the letter of the National Society above-quoted:—

"The Lords of the Committee of Council have too strong a trust in the clergy of the Established Church who superintend the schools, and too much reliance on the sound principles of the schoolmasters selected with their concurrence, to believe that religious instruction will be neglected in order to produce an apparent advance in branches of secular learning. Their lordships cannot, therefore, admit in any way the justice of an apprehension which is founded on the supposed neglect of the clergy, and the implied delinquency of the schoolmasters in connexion with the National Society.

"My Lords observe that the Committee of the National Society urge that the claim to the inspection of the schools aided by public grants is grounded on 'a small contribution to assist in the first erection of the buildings,' and that the 'claims' of the public 'to inspection appear to be exhausted when it is ascertained that the contribution has been fairly expended, that the tenure of the site is good, and the edifice suitable and substantial.' My Lords request you to reflect that such a conclusion rests on the untenable assumption that the interest of the public in the increase of the number of schools extends only to the nature of the site and the quality of the building erected thereon; and that Parliament and the public have no interest in obtaining by inquiry information so necessary, with a view to the future application or extension of grants, as the certainty that schools erected by aid from the public funds are so conducted as to

fulfil the declared intentions of the persons applying for aid as well as of those by whom the aid has been contributed.

“ While my Lords would deeply regret to find that the objections urged by the Committee of the National Society to the plan of inspection contained in the report presented to the House of Commons were so general as to discourage the exertions of the parochial clergy for the erection of schools, their lordships feel bound to state explicitly that they cannot consent to except from that inspection any class of schools receiving aid from the parliamentary grant. My Lords, however, have the greatest confidence that, on the contrary, increased exertions on the part of the clergy, both in the erection and in the vigilant and constant superintendence and improvement of the schools, will be the consequence of an inspection conducted with the object of rendering the elementary instruction of the people of this country consistent with the wishes and expectations of the country at large.

“ My Lords are at a loss to conceive what is intended by the assertion, that the system of inspection about to be established by the National Society is more complete in its authority than an inspection emanating from her Majesty in Council; or how any act of their lordships, in refraining from proposing to interfere with the system of religious instruction in schools connected with the Church, can tend to defeat the object which Parliament had in view in attaching the condition of inspection to the appropriation of the public funds; or can have the effect of exalting the secular in comparison with the religious part of education. There is nothing, however, in the instructions proposed to be given that will prevent the inspectors from reporting in any case in which they may be desired and authorised by the National Society, or by the parochial clergyman superintending the school, on the state of the religious as well as of the secular instruction.”

The opinions which are professed in this letter, and in other communications from the same source, whenever a fixed principle has been called in to dignify and invigorate the mere polemics of the question, appear to us to be true and constitutional: true,—because they proceed from an enlightened view of the connexion which binds the Church to the State; constitutional,—because they rely for their practical effect on the co-operation which that union ought to secure.

A great many pious churchmen of our day think to do the Church honour by asserting her entire independence of action, her paramount authority in spiritual matters, and the absence of all responsibility to the State*. These doctrines are

* See, for instance, the Tracts for the Times, No. 59, in which the relation or rather the natural hostility of the State to the Church is expounded. The question

as diametrically opposed to the notion of the establishment of the Church of England, as the principles of Chartism are to our political constitution. It is very much the fashion to brand as *popish*, men and measures as unconnected with the Pope as with the Pretender. That term would be far more appropriately attached to such as place the Church and State in bitter hostility; who reject all overtures of conciliation; who demand for the Church alone the full and uncontrolled exercise of rights essentially belonging to the joint supremacy of the spiritual and temporal powers; and who profess an allegiance to some extrinsic authority in ecclesiastical matters, which may as well be the Pope of Rome as the Pope at Oxford. There is no divided allegiance to the Church and State of England; they have no distinct jurisdiction, but joint resources, joint objects, joint rights. The State may demand that the Church should fulfil the duties allotted to her; the Church may demand the protection and the means required for the discharge of such duties.

It is true that the laws which opened the rights of citizenship fully and freely to classes of citizens not in communion with the Church, did impose on the State a class of duties in which the Church has no direct part. In addition to the duty of supporting the means of divine worship and Christian instruction administered by the Church, the State has contracted the obligation of "not withholding public aid" (we quote the words of Lord J. Russell, which were adopted and approved by the bishop of Exeter in the recent correspondence) "for the instruction of those children of the poor whose parents conscientiously object to allow their children to be taught the Church catechism, or to be compelled, as the price of their instruction, to attend divine service in any other than their own places of worship."—*Recent Measures, tenth edit.*, p. 11. Whatever tolerance we may show to dissent, as long as the Church of England is established by law, the legal presumption is, that an English subject is in communion

of an establishment is divided into the two heads of State protection and State interference: the former is treated as the duty owed by the State to the Church, but a duty ill-performed, though lawfully demanded; the latter is depicted as the impious usurpation by the State of the powers of self-government with which the Church was blessed in England—when? from 1200 to 1260!

with her. Dissent is, in fact, the demand of exemption from this presumption; and dissent is now recognised as a right by the laws. But if we were to estimate the importance of the dissenting interest by the support afforded by it to the Government on the education question, it would fall very low indeed. The direct opposition of the more influential sects, and the extreme lukewarmness of others, demonstrate, that however energetic dissent may be as a negative power, it has neither the means nor the will to maintain and carry into practice a positive principle of government. We believe that the Church affords, upon the whole, the best means of instructing the people; but it is because, in addition to the claims which she has on those within her pale, she has strength to support a large amount of assistance from the State. Wherever you want to obtain a direct access to the individual conscience by the most solemn earthly authority, and by those hopes which range beyond the world, the Church will furnish means of wide, though not universal, application: wherever you want to act on the whole of a population diversified by a multitude of creeds, and to spread the knowledge which the Church does not inculcate, the State possesses the right to undertake, and the means to achieve, the task. But as far as the mere interests of the Church herself are concerned, we are fully convinced, (and we would urge the truth most earnestly on her zealous partizans,) the more she can include the people in her schools by giving them a sound practical character as well as a highly religious one, the more she insists upon their essential quality of schools connected with the institutions of the country and with the State,—the more, too, will she extend her numbers and influence. To effect these ends, the inspection proposed by the Government,—unaccompanied, observe, by any sort of compromise in religious instruction, or any attempt to expel the clergy from their proper position,—that scheme, we repeat, was excellently adapted. It was a practical illustration of the united action of the principles whose union is symbolically denoted by the personal identity of the head of the Church and the sovereign.

The only suggestion which has been made at all calculated to assert this union at a time when its nature is so traduced, and its very existence threatened by the opposite hostility of

the voluntary system on the one side, and the nonjuring high-church on the other, has proceeded from the bishop of Exeter. "I should rejoice," said he, in the answer to lord J. Russell's letter, above-quoted, "to see instituted a conference between the Committee of Council on Education and the Bishops, for the purpose of devising measures to carry into effect your Lordship's very just and moderate principle, and, at the same time, to give to the Church that public recognition of her being the fit guardian and administratrix of national education, with which your Lordship's principle can be so well reconciled." We cannot entirely assent to the general proposition, that the Church is the *Guardian AND Administratrix* of national education. Where she is the administratrix, the State is the guardian: where the State is the administratrix, the Church may be the guardian. But these principles, and their special application, might with great propriety have been discussed at such a conference. We regret that the proposal did not emanate from the Committee of Council; we regret still more, that, having emanated from the bishop, lord John should have treated it lightly.

Instead, however, of any approach to the joint action which the theory of the constitution prescribes, and the necessity of the case demands, we have nothing to record but eager, incessant conflict. The powers which, being united, might save a generation of our countrymen from shameful ignorance, which might extinguish the smouldering fires of popular commotion, and defeat, in the name of religion and common sense, the monstrous lies which now work uncontrolled upon the public mind,—the powers which are bound to accomplish these tasks, the one by its duty to heaven, the other by its duty to the world, have only strength to paralyse each other. It is a civil warfare, a conflict which leads to self-destruction; and the public enemy, which is Ignorance, wallows over the land, debasing the tastes, misdirecting the energies, destroying the souls of the people; because, whilst this controversy lasts, three quarters of our strength are for party, and hardly one quarter for truth; three quarters of our alacrity to baffle the foe, and one to establish the cause. The people whom you have neglected

to teach their duties and their trades, are taught a sarrago of revolutionary dogmas, by other emissaries than government inspectors, and are practised in the exercise of fire-arms. If the signs of the times go on to lower around us, we shall be in the condition of Holland, if the repair of her dykes and break-waters were neglected: the artificial defences of civilization, the ramparts of public law, the land-marks of religious truth, have not been extended as the huge tide of population rose; the fierce elements of which human society is wrought, and over which the noble structure of our empire is erected, are already in commotion: unless the great and old principles upon which the polity of England rests are vindicated, we are at the mercy of the ocean. Men will ask what the Church and State of England have given them, if they have not given them education. The passion of destruction hardly needs such a pretext; say rather, it needs the effects of education,—fixed principles, and the nation's gratitude, in order to restrain it. If you would protect yourself from crime, hasten to invest the aggressor with a sense of his responsibility for good and evil; arm his own conscience with principles,—pour truths upon his mind: they, and they alone, will disarm him if he know that he is stronger than you; but, being so disarmed, you are safer in the sympathy of your brother-man, than in your most absolute authority over him.

We observed, at the commencement of these remarks, that the time was come when at least the march of education was recognised as an imperious necessity. We have traced some indications of the course which either party has pursued: if they had conflicted less, the purposes of both would have been more easily and adequately fulfilled. After the survey we have attempted to take of the measures actually before the country, we might be tempted to relapse from the high hopes with which the contemplation of these beginnings inspired us into a despondency proportioned to the resistance and frustration which has met them; nevertheless, we are filled with more sanguine anticipations. It was a just remark of Mr. Coleridge, that the surest source of political prophecy lay in the speculative opinions of men, just merging into the age of full manhood, on the great questions of religion and philosophy. In the gradual recognition of what

is permanently true lies the antidote to ephemeral falsehood, to party intemperance, to the sting of invective, to the stratagems of controversy. The question of education does not rest with those who have at various times pressed forward to the front ranks, and used it, as they have used everything, for selfish declamation, which cannot veil from the public eye the scandalous abuse of high talents, or the frequent outrages of truth, decency and morality. Neither is it in the hands of those who would train the human mind on dry formularies, and supply by routine what no mere routine can impart. Neither will the English people accept a system of education which does not cohere with the institutions to whose defence they are in the main devoted. Lord Brougham, the National Society and the theorists of this or that method may stir the question, but they cannot advance it. Its successful promotion can only rest on the gradual growth of that mutual reliance, and that joint determination to act, between the ranks and powers of society in England, which a better understanding of their several principles and necessities may secure.

ARTICLE IV.

The Poetical Works of P. B. Shelley. London: Moxon. 1839.

IN a large and handsome octavo volume recently published by Mr. Moxon, containing the entire poetical works of Shelley, the editor has ingenuously repaired the mistake of her preceding edition in four smaller volumes, and printed *Queen Mab* as it originally appeared for private distribution. To the poem itself indeed we attach no importance, neither do we believe it will find many readers. It belongs essentially to the past, and to a past with which the world will not readily again sympathise, even should the opinions and sentiments embodied in this extraordinary production be hereafter revived under other forms. But we regretted its omission as

useless to the public, as unjust to the departed, and as rendering the intellectual history of the author more than ever imperfect. To the psychologist every record is valuable of a mind whose disturbing forces were the speed, the intensity, and the depth of its own sensations and conceptions: and such a record becomes more valuable the nearer it approaches to the untamed and exuberant sensibilities of youth, before experience has chilled them with distrust, or opposition, harshly, selfishly and ignorantly directed, has converted them into a torment to their possessor, and into weapons of sarcasm or sophistry against the world. The seeds of the characteristic and kindred faults of Shelley's mind, as well as the rudiments of much that was excellent and singular in him, are to be found in *Queen Mab*;—his carelessness of consequences and its accompanying presumption; his metaphysical acuteness, and his political ignorance and rashness; his fine perception of the harmony of verse; his intuition of the truth and dignity of the poet's vocation; his inexperience in life, and in the laws of action and character. We need only refer to the 'Editor's Note' for whatever relates to the history of this poem, the immaturity of the feelings and knowledge with which it was written, the season of life at which it was produced.

Another subject of regret, however, has not been removed; and of the little that can ever be related of a life spent for the most part in solitary study and speculation, something is still kept back from the public. This is the more to be lamented, since in her editorial notes Mrs. Shelley has shown herself as competent to commemorate, as she had been faithful in cherishing, the virtues and genius of the departed. We cannot understand wherein lies the difficulty of telling a plain tale about one whom all who knew him intimately agree in representing as unequalled for the truth, gentleness and candour of his disposition, the variety of his attainments, and the energy and fertility of his intellect. If the obstacles proceed from a mistaken delicacy or reserve in *his* family, we would exhort them to remember Gibbon's injunction to the Spencers, "to consider the Faery Queen as the most precious jewel in their coronet;" and in any case to weigh the possible inconvenience of the truth against the real disadvan-

tages of popular rumour and imperfect knowledge of the circumstances suppressed. We are willing to take Mrs. Shelley's assurance, that "no account of these events has ever been given, at all approaching reality in their details," and that "the errors of action, committed by a man as noble and generous as Shelley, may, as far as he only is concerned, be fearlessly avowed; in the firm conviction, that were they judged impartially, his character would stand in as fair and bright a light as that of any contemporary." Meanwhile, an uneasy interest is created by these allusions and omissions, infinitely more prejudicial to all parties concerned than a direct and unconditional avowal of the truth.

For these defects, however, Mrs. Shelley is not responsible. She has amended what it was in her power to correct, and in all other respects has faithfully and ably discharged the duties of an editor. Our estimation of Shelley as a poet is hardly less high than her own, but, as will be seen, it is different, both in its objects and its causes. We have thought it in many cases superfluous to point out his excellencies; but much more important to supply what Mrs. Shelley has very naturally omitted, the reasons why Shelley, more richly and variously endowed than perhaps any of his contemporaries with the elements of a great poet, has produced no great work, nothing which retains the impress of completeness, or which even, like the *Wallenstein* and *Wilhelm Tell*, is overcast with the shadow of some higher manifestation of art near at hand. But had the deficiencies of Mrs. Shelley as an editor been as many as her merits really are in the edition before us, the following passage from the last of the Editor's Notes would have at once disarmed censure and secured indulgence:—"With this last year of the life of Shelley these notes end. They are not what I intended them to be. I began with energy and a burning desire to impart to the world, in worthy language, the sense I have of the virtues and genius of the Beloved and the Lost; my strength has failed under the task. Recurrence to the past—full of its own deep and unforgotten joys and sorrows, contrasted with succeeding years of painful and solitary struggle, has shaken my health. Days of great suffering have followed my attempts to write, and these again produced a weakness

"and languor that spread their sinister influence over these notes. I dislike speaking of myself, but cannot help apologising to the dead and to the public, for not having executed in the manner I desired the history I engaged to give of Shelley's writings."

Perhaps no inconsiderable portion of recent poetry will be imperfectly understood, should it survive so long, a century hence. We do not readily enter into the conceits of Cowley, or the aphorisms of lord Brooke; and something, it is probable, has passed away of the simple faith with which Spenser was studied at a time when his volumes lay in bay-windows for the contemplative idler or inmate to turn over. And if this befall authors in whom the understanding or the fancy is the faculty most exercised, much more does it happen to those who have made their own *subjectivity* the object of passion or reflection. Should any one hereafter write a commentary on Childe Harold or Alastor, his principal difficulty would be to explain how it had come to pass that satiety of life had superseded more generous and active sentiments in the poets of the 19th century. The poetry of young men, it has been remarked, often exhibits a disposition to melancholy; but it is the ideal contrast to the actual hopefulness and animation of early years. But in much of the best poetry of this and the preceding generation the grander chords of human feeling are silent, and an idealized self takes place of the passion, the thoughtfulness and sententious wisdom of our earlier writers. This, more than any differences of theory or execution, constitutes the essential distinction between the school of Byron and Shelley—for widely as they differ in details, they resemble one another in the original elements of their poetry—and that of which Wordsworth is the representative. Both, in some measure, acted upon a mistaken theory of art; yet the error of the reflective school is less dangerous to the permanence of its reputation, than the assumption that the outward world, the past and the future, are but ministrant to the contemplation of the poet's own being, idealized in passion or in action. For it follows necessarily, that to enter into the secret meaning of such writers, the reader must partake of a similar idiosyncrasy with that of the poet; or his interpretation of the sym-

bols of the outward world will remain vague and meaningless, and his contemplation of the inner world be dependent upon his degree of personal sympathy with the feelings and impulses of another. This being rather an accident than a law of intellectual developement, must in a great measure pass away with the circumstances that nurtured and gave rise to it, and therefore, so far as it is peculiar to the individual mind, becomes daily less and less expressive either of the universal feeling, or of the current opinions of a later age. And this, more than any inferiority as artists, has weakened the once predominant influence of Byron upon his own time, and of Shelley upon individual minds, and for a while even deprived them of a reputation they had justly won and enjoyed. Their names were united in life, and in death have not been divided,—although the resemblance between them lies not in the forms they embodied, in their imaginative resources, or in the command of the materials of their art. In all these qualities they were dissimilar, and Shelley immeasurably superior; but both agreed in subordinating the universal man to the personal sensations and experiences of the poet. A desire for something more comprehensive in principle and nobler in aim than the literature of the 18th century had proposed to itself, animated the ethical and imaginative writers of the present one. It was, unconsciously to themselves, a period of transition in the intellectual world, as in the political it was a period of convulsion. Men were dissatisfied with the present: no theory, in an age most prolific in speculation, was found that would reconcile the inconsistencies perceived to exist between the spiritual wants of the time and its institutions; and it was required of philosophy to establish something positive, some living principle of belief and action, in place of the forms and opinions the negative philosophy of the preceding century had undermined. Hence literature and philosophy betray a want of precision in form, and of proportion between what they aimed at and what they accomplished, of which we are becoming daily more aware, without perhaps having arrived at any steadier exponents of truth. Much that has scarcely ceased to be new, is already become obsolete and inexpressive of our present selves. We have removed idol after idol, and the shrine is still vacant,

and we know not as yet the rightful and unquestioned possessor.

A falser system of philosophy than that which Shelley derived from the French writers of the 18th century, and recommended in his earlier works, can hardly be conceived. It required of man to divest himself of his rich inheritance of laws and recollections,—to form a new world by demolishing the old one,—and to assume that the living generation had been the first to break the fetters imposed upon mankind from their birth by the fraud and the credulity of their forefathers. Property and domestic rights were to be the first sacrifice to the new deity of unrestraint, and vegetable diet its ceremonial law. With a strange incoherence, the prophets of this latter dispensation indulged in glowing descriptions of the equal laws and unchartered life of antiquity, thus, in their zeal for innovation, overlooking the moral of ethnic no less than of Christian history,—that the resistance to the cosmopolite tendency of monarchies, and the defence of home-born institutions and ancestral manners, constituted whatever is noble and memorable in the history of the most civilised races of the ancient world. But a similar error is observable in the founders of all systems, from anabaptism to utilitarianism, who regard man as the creature of law, and not the law itself as only the most general exponent of individual action. And the fallacy consists in their viewing man in the aggregate, not as a living soul of complicate impulses and passions, moulded to his present state of social existence by progressive and providential causes, and most rarely by the feverous haste and presumption of a single age. But the imaginative and moral teachers who preceded the French revolution, and their disciples, resembled a fanatical mob of the 16th century more than the sage and serious instructors of their generation. In their lust for optimism, or that impossible good which is to be attained by the disruption of all hitherto held the safeguards of steady and progressive cultivation, they trampled upon the household bonds of life, and political subordination, and moral reverence. All the rich inheritance derived from their Teutonic ancestors, from the better parts of ethnic institutions and from Christianity, was rejected by them as something outworn and unmeaning, be-

cause some of the forms that had hitherto transmitted it from age to age were become sapless and withered, and no longer expressed the feelings in which they originated. Miserable reasoners are they who would make a church paramount to a state, but worse reasoners are those who would found a state without a church! They misunderstand antiquity, that, while it held fast to these polar principles of moral government, prospered in spite of barbaric force, of domestic treason and of calamity by war, pestilence and famine. They are insensible to the higher and more catholic civilization by which Christianity, with all the abuses of ecclesiastical power and among all the fluctuations of civil, and despite of the fraud of kings and the madness of the multitude, has knit Europe together into one brotherhood, and imparted whatever is substantial, whatever is progressive in national life to less fortunate portions of the world.

We have been led away from Shelley; but it was necessary to call to mind the state of opinion in his youth, and the theories upon which his intellect prematurely fed. For men of imaginative temperaments no line of study has more attractions, and none is less salutary in early manhood, than the doctrine of political renovation. Even Milton, strictly disciplined as he was in all good learning, and living in an age when a severe apprenticeship was demanded of all who would gain the public ear, is too often a day-dreamer when he reasons upon government and the proper destiny of man. For the imaginative mind is essentially dramatic, and impersonates its own conceptions until it ends with taking them for substantial forms. But, fortunately for himself and his art, Milton's theories entered sparingly into his poetry; his zeal poured itself forth in controversies wherein he admits that he had the use of his left hand only. Shelley conceived that the noblest use of poetic powers was the recommendation of philosophic truth; but he did not sufficiently distinguish between assertive truth, which is the province of the imagination; and discursive truth, which is the business of the understanding.

Hence the course of his poetry is broken up and narrowed by crude and ill-timed expressions of opinion, and the sense of pleasure derived from lofty thought and harmonious numbers

impaired by sudden appeals to our understanding, our prejudices or our moral sense. From these defects the later poetry of Shelley is comparatively exempt; the harsh reception his works met with from the public was not without salutary results to himself; and he felt, although not until after his longer poems were composed, the necessity of selection and condensation. But it is probable that many portions of the *Prometheus* and the *Revolt of Islam*, which were less pleasing to contemporary readers from the injudicious mixture of poetic imagery with logical notions, will pass unnoticed hereafter. Other speculations will alarm or gratify the readers of another generation, even as we neglect the allegory and the political allusions in the *Fairy Queen*, and derive a more intellectual pleasure from its tessellated legends than the courtiers and scholars of the Elizabethan age. We approximate in opinion and feeling to the poets of the 19th century too much to discern what will be permanent in their works. We have seen in our time too many revivals of once popular writers, and too many abortive attempts to resuscitate others, not to distrust experience and general laws, and not to make allowance for the accidents of oblivion and reputation.

It is a more pleasant, though still a painful task, to turn from the philosophy of Shelley to his life, so much at least as we know of it from the unsatisfactory accounts hitherto published. What his biographers have omitted doing we cannot supply, since our narrative must break off and be resumed just as they are reserved or communicative. We shall therefore take Mrs. Shelley for our guide, and detail briefly the history of his principal poems, since they exhibit with sufficient exactness the history of the author's mind. The few extracts we can afford to make will thus come almost in chronological order, and will be at the same time a record of the feelings that prompted them.

The blank verse of *Queen Mab* differs little from that measure as it appears in the poems of Akenside, who exercised considerable influence over such poets as escaped from the popular vortex of Darwinism. It is fitted for didactic poetry, and its chief defects are too great uniformity of cadence, and the predominance of single good lines without continuous harmony. But it was no mean promise of excellence in a

youth of eighteen to modulate unrhymed lyrics with such grace and purity, as the following passage, among several that might be produced, displays. Ianthe and the Fairy Mab are come to the hall of spells in the fairy's palace.

" If solitude hath ever led thy steps
 To the wild ocean's echoing shore,
 And thou hast lingered there,
 Until the sun's broad orb
 Seemed resting on the burnished wave,
 Thou must have marked the lines
 Of purple gold, that motionless
 Hung o'er the sinking sphere :
 Thou must have marked the billowy clouds
 Edged with intolerable radiancy,
 Towering like rocks of jet
 Crowned with a diamond wreath.
 And yet there is a moment
 When the sun's highest point
 Peeps like a star o'er ocean's western edge,
 When those far clouds of feathery gold,
 Shaded with deepest purple, gleam
 Like islands on a dark blue sea ;
 Then has thy fancy soared above the earth,
 And furled its wearied wing
 Within the Fairy's fane.
 Yet not the golden islands
 Gleaming in yon flood of light
 Nor the feathery curtains
 Stretching o'er the sun's bright couch
 Nor the burnished ocean-waves,
 Paving that gorgeous dome,
 So fair, so wonderful a sight
 As Mab's ethereal palace could afford.
 Yet likest evening's vault, that fairy Hall !
 As Heaven, low resting on the wave, it spread
 Its floors of flashing light,
 Its vast and azure dome,
 Its fertile golden islands
 Floating on a silver sea ;
 Whilst suns their mingled beamings darted
 Through clouds of circumambient darkness,
 And pearly battlements around
 Looked o'er the immense of Heaven."

Shelley never lost this accumulative style, although acquaintance with better models went far to correct it. He could however lay it aside when the nature of the composition

required, and the Cenci, though deficient in incident, is severe in diction. The above lines show a great facility of versification, and an ear accustomed to try and even to subtilize cadences. The former quality he carried into another language, and his Latin school-verses were composed with an ease and correctness that procured for him prizes, and caused him to be resorted to by all his friends for help.

"He was," says Mrs. Shelley, "at the period of writing *Queen Mab*, a great traveller within the limits of England, Scotland, and Ireland. His time was spent among the loveliest scenes of these countries. Mountain and lake and forest were his home; the phenomena of nature were his favourite study. He loved to inquire into their causes, and was addicted to pursuits of natural philosophy and chemistry, as far as they could be carried on as an amusement. These tastes gave truth and vivacity to his descriptions, and warmed his soul with that deep admiration for the wonders of nature, which constant association with her inspired."

The motto to *Alastor* is a sentence from the *Confessions* of Augustin; and there is something in common between these fervent outpourings of two ardent and intellectual temperaments, which renders that sentence an appropriate note of preparation to the solemn emotions of "the spirit of solitude." "It is written," the editor observes, "in a very different tone from *Queen Mab*." Shelley's first poem is the baseless fabric of a Saturnian age: *Alastor*, but in a better spirit than *Childe Harold*, is the poet's inner-being impersonated, and brought into immediate contact with nature under her manifold vicissitudes of repose and turbulence, of luxuriant life and primeval desolation. It opens with the doctrine of Pantheism under its most poetical form of contemplating the visible universe as the veil of a sentient spirit, of which the forms of matter are the emanations. The ascendancy of nature over human passion, the subsidence of thought, of feeling and of youthful aspiration in early death, the sympathy of nature with her worshiper, the education of the poet through the medium of his own sensations, and by no meaner symbols than such as gladdened or awed man in his imagined state of primitive strength and beauty, with the fruitless quest for the reflection and counterpart of the inner-self, the *androgyny* of Plato, the ideal Laura that, in the imagination of Petrarca, obscured and glorified at once the actual Laura,—of such profound and subtle imagery is the *Alastor* made up. With

a felicity rare in Shelley's longer works, the form is the appropriate clothing of the thought; and the occasional obscurity arises from the extreme subtilty of the ideas more than from its usual cause—a diseased activity of the fancy and understanding.—We need scarcely remark, that the scenery of *Alastor*, as well as the emotions depicted, are idealized, and therefore so long as they respond to one another with equal intensity, it is not a legitimate objection to say the descriptions are impossible. But indeed no one of Shelley's poems is so characteristic as this. Less vague than the *Prometheus*, less modern than the *Revolt of Islam*, it does not alternately delight and disappoint us, nor leave us doubtful whether the same truths might not have been much better inculcated in prose. Like the *Witch of Atlas*, it requires an initiative faith, but its unity is apparent so soon as we step within its precincts.

The immediate occasion of the composition of *Alastor* is detailed in the editor's notes, and it illustrates Shelley's propensity to project and idealize home-scenery and familiar objects—the characteristic of his own works, the inimitable error which has baffled his copyists.

"The later summer months of 1815 were warm and dry. Accompanied by a few friends, he visited the source of the Thames, making the voyage in a wherry from Windsor to Cricklade. His beautiful stanzas in the churchyard of Lechlade were written on that occasion. *Alastor* was composed on his return. He spent his days under the oak shades of Windsor Great Park; and the magnificent woodland was a fitting study to inspire the various descriptions of forest scenery in the poem."

We have not space for the Stanzas in Lechlade churchyard; they bear to *Alastor* the relation of the germ to the fruit, "a picture in little" of the same sensations: we know nowhere two more beautiful couplets than those which close the first and second stanzas of the earlier poem.

"Silence and Twilight, unbeloved of men,
Creep hand in hand from yon obscurest glen.

"The winds are still, or the dry church-tower grass
Knows not their gentle motions as they pass."

The poems written about the same time with *Alastor* evince an intensity of sensation, connected probably with disease, but indicating a purer vein of poetic feeling than some of his later works. Shelley was indeed "of imagination all

compact:" his political speculations were coarse earthy veins striking across and obstructing the finer portions of his mind; he mistook his vocation when he would impress upon these the image of his intellectual being: in poems with a political aim he "had the use of his left hand only."

The Revolt of Islam only occupied six months, and The Prometheus Unbound fewer weeks in composition. We believe them to be the least readable and permanent of his poetical works; the one, from its essentially modern spirit, embracing and embodying notions and speculations in the room of realities and truth; the other, from the comparison forced upon the reader with the dramatic treatment of the most solemn *myth* of antiquity. Passages of great beauty and completeness might be cited from the Revolt of Islam, but they are descriptive or reflective: the action of the poem proceeds heavily and feebly, and no human interest attaches itself to the mere personifications of good and evil that carry on the story. Among the most beautiful stanzas of the poem, which as a metrical work of art can hardly be commended enough, are those at the opening of the 4th Canto; they proceed however but little way in the same spirit of quiet and happy sensation.

I.

"The old man took the oars, and soon the bark
Smote on the beach beside a tower of stone;
It was a crumbling heap, whose portal dark
With blooming ivy-trails was overgrown;
Upon whose floor the spangling sands were strown,
And rarest sea-shells, which the eternal flood,
Slave to the mother of the months, had thrown
Within the walls of that grey tower, which stood
A changeling of man's art, nursed amid Nature's brood.

II.

"When the old man his boat had anchored,
He wound me in his arms with tender care,
And very few, but kindly words he said,
And bore me through the tower adown a stair,
Whose smooth descent some ceaseless step to wear
For many a year had fallen.—We came at last
To a small chamber, which with mosses rare
Was tapestried, where me his soft hand placed
Upon a couch of grass and oak-leaves interlaced.

III.

"The moon was darting through the lattices
 Its yellow light, warm as the beams of day—
 So warm, that to admit the dewy breeze
 The old man opened them; the moonlight lay
 Upon a lake whose waters wove their play
 Even to the threshold of that lonely home:
 Within was seen in the dim wavering ray,
 The antique sculptured roof, and many a tome
 Whose lore had made that sage all that he had become.

IV.

"The rock-built barrier of the sea was past—
 And I was on the margin of a lake,
 A lonely lake, amid the forests vast
 And snowy mountains ————"

Had the whole effect of the poem been equal to this and many other passages that might have been detached, the graceful fancy and harmonious verse of Ariosto would have found a rival in Shelley. But his political idealisms and experiments upon public taste and morals mar the mild beauty and quietude of his descriptions. Everywhere the "disjecta membra" of poetry may be found, nowhere an artistic whole in the longer compositions of Shelley.

Mr. Landor, no incompetent judge, has pronounced Shelley "incomparably the most elegant, graceful, and harmonious of the prose-writers of the present age." And the Prefaces to the *Revolt of Islam* and *Prometheus* are more beautiful and sustained than the poems themselves. In the former he has described, in the proper education of a poet, a portion of his own intellectual history: and the union of ardent aspiration for an immortal name, with a humble diffidence of his own power of attaining it, renders the passage one of the most delightful of those in which authors have admitted an audience to their self-communings.

"There is an education peculiarly fitted for a poet, without which genius and sensibility can hardly fill the circle of their capacities. No education indeed can entitle to this appellation a dull and unobservant mind, or one, though neither dull nor unobservant, in which the channels of communication between thought and expression have been obstructed or closed. How far it is my fortune to belong to either of the latter classes I cannot know. I aspire to be something better. The circumstances of my accidental education have been favourable to this ambition. I have been fa-

familiar from boyhood with mountains and lakes, and the sea and the solitude of forests: danger, which sports upon the brink of precipices, has been my playmate. I have trodden the glaciers of the Alps, and lived under the eye of Mont Blanc. I have been a wanderer among distant fields. I have sailed down mighty rivers, and seen the sun rise and set, and the stars come forth, whilst I have sailed night and day down a rapid stream among mountains. I have seen populous cities, and have watched the passions which rise and spread, and sink and change amongst assembled multitudes of men.—The poetry of ancient Greece and Rome, and modern Italy, and our own country, has been to me, like external nature, a passion and an enjoyment. Such are the sources from which the materials for the imagery of my poem have been drawn. I have considered poetry in its most comprehensive sense, and have read the poets and the historians, and the metaphysicians whose writings have been accessible to me, and have looked upon the beautiful and majestic scenery of the earth as common sources of those elements which it is the province of the poet to embody and combine. Yet the experience and the feelings to which I refer, do not in themselves constitute men poets, but only prepare them to be the auditors of those who are. How far I shall be found to possess that more essential attribute of poetry, the power of awakening in others sensations like those which animate my own bosom, is that which, to speak sincerely, I know not; and which, with an acquiescent and contented spirit, I expect to be taught by the effect which I shall produce upon those whom I now address."

In the notes to the *Prometheus Unbound*, Mrs. Shelley gives an extract from one of Shelley's letters written in 1817, soon before he quitted England, never to return to it. In it he describes a singular nervous excitement which throws some light upon the besetting sins of his poetry and his intellectual temperament. "My health," he says, "has been materially worse. My feelings at intervals are of a deadly and torpid kind, or awakened to such a state of unnatural and keen excitement, that only to instance the organ of sight, I find the very blades of grass and the boughs of distant trees present themselves to me with *microscopic distinctness*." No description of Shelley's poetic style when he wrote the *Prometheus*, although he was then partially restored by a warm climate and leaving behind him many painful circumstances and associations, would serve so well as this sentence to show how unlike his dramatic poem is to the *Chained Prometheus* of Æschylus. Shelley has produced a chaos of poetic material without symmetry and without even formal unity. He was an enthusiastic student of Greek literature, especially in later years; but in the *Prometheus* we nowhere find, what some of his critics have insisted on, the impress of an ethnic feeling,

the power of adopting ancient modes of thought to his own creations. We suspect that at any period of his life Shelley was of too restless a temperament passively to imbibe the thoughts and forms of another, however deeply he might venerate his example as an artist. In studying the laws of beauty and proportion in the works of antiquity with reference to his own compositions, he has neither the rapid intuition of what was capable of reproduction, which Schiller displayed in his *Bride of Messina*, nor the intellectual calmness of Goethe in analysing and selecting what fitted his peculiar purpose. Shelley works out his thought by aggregation, seldom by single touches or felicitous strokes; probably he felt in the same way what was excellent in others. He is eminently the poet of the remote and the future; the ancient idea of destiny was too palpable and sensuous for him, and he takes refuge from it in the illimitable field of time and chance. But the interest of the *myth* of Prometheus consists in its universal humanity, not in following out the several phases of an ideal perfectibility. The sufferings of the Titan are in the body; Shelley, by transferring them to the mind, has weakened the effect of the chain and the riven rocks, of the space and silence and solitude, broken only by the beat of wings, the gentle voices of the Oceanides, and the far-off moaning of the sea. To ancient apprehensions the consummate act in the Trilogy of Prometheus is the *unbinding* of the Titan by Hercules. Shelley despatches this in a stage-direction, if such a term may be applied to a composition that sets even an imaginary representation at defiance. Hence a fourth act became necessary to give sufficient importance to the event for which the two first are the preparation. But the addition is destructive of the proper catastrophe of the drama, and removes it further from that unity which gives to the Æschylean story its statuesque grandeur and repose.

The first aspect of Italy and the influence of a more genial climate, awakened to new life the poetical spirit in Shelley. He meditated, at this time, three subjects as the groundwork for lyrical dramas;—one was the story of Tasso. Mrs. Shelley does not say whether Goethe's *Torquato Tasso* in any way suggested the idea. A song of Tasso is all that remains of his studies. The other was founded on the book

of Job, but of which, though he never abandoned the design, no trace remains among his papers. The third was the Prometheus Unbound. And his choice was probably determined by his familiarity with the Greek tragic writers, at this time the constant companions of his wanderings and his solitude. But Shelley's sensibilities were too active and luxuriant for the severe and select meditation such a subject required. He had yet to learn the art of suspecting the imagery and the emotions which come unsolicited to the poet, and that it is the often-tried and tested residue of these which alone sinks into, and obtains the mastery over the inner-being of the few, and is by them gradually imparted to the many. Not that Shelley composed carelessly, and without a befitting respect for his readers. His blotted and interlined manuscripts, his unwearied *pentimentos*, show the contrary. But conceiving, unfortunately, that his vocation as a reformer was superior to his vocation as a poet, that his days were few and numbered, and the urgency of the "disjointed times" he lived in great, he composed with the haste and anxiety of one who has a present end to secure, whose well-being depends on its success, and not with the hope and gladness and untiring fortitude of him who designs and is conscious that the work under his hands will be a "possession for ever." In the opening scenes of the Prometheus Unbound, a certain breadth and grandeur in the conception and language of the drama remind us of Æschylus, and an occasional severity in the images gives an intensity to the emotions not usual with Shelley. These, however, are not sustained beyond the first act, and are frequently lost within it. And it is singular that the author of the unrhymed lyrics in Queen Mab should, in a "*lyrical drama*," have been contented with choral songs so loose in their structure, inexpressive, and not seldom unmelodious as those in the Prometheus. In the Posthumous Works of Shelley, the most unfinished fragments often display a subtle and delicate intuition of melody in verse which no carelessness in conception or language can injure or conceal. In the Prometheus, on the contrary, beautiful thoughts and happy images are perpetually marred and lost in the obscure or glittering maze of the verses in which they are set. "The lyrics of this drama," we are told by the editor, were

intended to "develope the abstruse and imaginative theories" of Shelley "with regard to the creation. It requires a mind "as subtle and penetrating as his own to understand the mystic meanings scattered throughout the poem." This, which is hardly an excuse for vagueness of language in philosophy, is none in poetry; and Shelley's acquaintance with Lucretius, Empedocles, and with the Gnostic poets of Greece, must have taught him that difficult, abstruse and recondite meanings may be clothed in pure and perspicuous diction. It could only have been a wilfully erroneous theory of his art which led him, at this season of life, to combine in almost an equal proportion the vices of Marino with those of Lycophron. It was a theory, however, from which he soon escaped, since the next great work he undertook and executed was the *Cenci*.

Shelley's poems, the editor remarks, may be divided into two classes—the purely imaginative, and those which sprung from the emotions of his heart. Among the former may be placed *The Witch of Atlas*, *Adonais*, and his latest composition, left imperfect, *The Triumph of Life*. And in this class we are persuaded will be found the purest and most permanent records of his genius. For Shelley resembled Spenser in the abundance of his objective stores, in his delight in the beautiful and the perennial freshness of eloquence. Spenser, however, after a few early attempts in a wrong direction, came to a clear knowledge of the real nature of his poetic powers, and left to others the more arduous field of passion and character, while he moved in gladness and freedom through the whole domain of pure imagination. Shelley's fertility in educing and combining his objective resources from the contemplation of nature and the study of books, and from the forms embodied in painting and sculpture, concealed from himself that the faculties of construction and invention were not given him in an equal degree. We can therefore perfectly understand that his *Cenci* and the fragment of *Charles I.* were produced with infinite labour, while the *Prometheus* and the *Revolt* flowed almost spontaneously from his pen. His fancy was equally suggestive, his imagination equally creative of bright and beautiful thoughts, in all that he undertook; but form and character are the

slow growth of observation and experience, and require a severe apprenticeship to the secrets of art and the real workings of life.

We have reluctantly pointed out the defects of a poet, who, beyond any other of his contemporaries, has filled us with wonder and delight, even where we found most occasion to regret the obliquity of his moral theories, and condemn the haste and temerity of his political speculations. But between the indiscreet praise of those who defended, and the unwarranted censure of those who attacked him, there seemed to us a middle course, by which, without any concession of principle as critics, the substantial grounds of his reputation might be determined. The easier and pleasanter part of our task remains,—the consideration of that portion of his works which belongs to the purely imaginative class, and of his master-work in a higher department of art than any he had attempted before, in which he sacrificed the peculiar vices of his style to a simple energy of conception and diction.

It may seem strange to place Shelley's Odes to Liberty and Naples, prompted as they were by immediate feelings of hope and exultation, among poems of the imagination rather than among those in which he embodied his own emotions and desires. Yet an examination of these odes will show that they belong really to the former class. Shelley did not possess invention in any remarkable degree; it bore no proportion to his other intellectual powers, his imagination or his eloquence. Hence he always wrote with more dignity and truth when his subject confined him to a fixed plan and division. But his fertility of illustrating by splendid image and metaphor was inexhaustible; and in his odes, written on occasion, the intensity of sympathy and excitement superseded all abstract theorizing, and brought with it the befitting forms into which his imagination was ever ready to breathe beauty and motion. And it has always appeared to us inexplicable, that the same poet in the *Prometheus Unbound* should have so mistaken the structure and the scope of lyric poetry, and produced almost contemporarily the Ode to Naples. The epode and two following strophes, for sustained majesty and melody, are equal to anything in modern literature, and are warmly applauded by the critics of a nation

that reckons Filicaia and Manzoni among its lyrical writers.
We must find room for the epode:—

“ I stood within the city disinterred ;
And heard the autumnal leaves, like light footfalls
Of spirits passing through the streets ; and heard
The mountain's slumberous voice at intervals
Thrill through those roofless halls ;
The oracular thunder penetrating shook
The listening soul in my suspended blood ;
I felt that Earth out of her deep heart spoke—
I felt but heard not :—through white columns glowed
The isle-sustaining Ocean flood,
A plane of light between two heavens of azure :
Around me gleamed many a bright sepulchre
Of whose pure beauty, Time, as if his pleasure
Were to spare Death, had never made erasure ;
But every living lineament was clear
As in the Sculptor's thought ; and there
The wreaths of stony myrtle, ivy and pine,
Like winter leaves o'ergrown by moulded snow,
Seemed only not to move and grow
Because the crystal silence of the air
Weighed on their life ; even as the Power divine,
Which then lulled all things, brooded upon mine.
“ Then gentle winds arose,
With many a mingled close
Of wild Æolian sound and mountain odour keen ;
And where the Baian ocean
Welters with airlike motion,
Within, above, around its bowers of starry green,
Moving the sea-flowers in those purple caves,
Even as the ever stormless atmosphere
Floats o'er the Elysian realm,
It bore me like an Angel, o'er the waves
Of sunlight, whose swift pinnace of dewy air
No storm can overwhelm ;
I sailed, where ever flows
Under the calm Serene
A spirit of deep emotion
From the unknown graves
Of the dead Kings of Melody.
Shadowy Aornos darkened o'er the helm
The horizontal æther ; heaven stript bare
Its depths over Elysium, where the prow
Made the invisible water white as snow ;
From that Typhœan mount Inurime
There streamed a sunlike vapour, like the standard

Of some ethereal host ;
 Whilst from all the coast,
 Louder and louder, gathering round, there wandered
 Over the oracular woods and divine sea
 Propheysings which grew articulate—
 They seize me—I must speak them—be they fate.”—

It would be idle, and almost insulting to point out to persons at all acquainted with modern English poetry such compositions as the Ode to a Skylark, pronounced, we believe, by no less an authority than Mr. Wordsworth, to be the “triumph of Shelley’s art,”—or the Hymn to Intellectual Beauty, conceived during a voyage round the Lake of Geneva in company with lord Byron, and while the author was occupied in reading the *Nouvelle Héloïse* for the first time,—or the Ode to the West Wind, in which is a comparison as beautiful and bold as some in *Æschylus* :—

“Thou on whose stream, ’mid the steep sky’s commotion
 Loose clouds like earth’s decaying leaves are shed,
 Shook from the tangled boughs of Heaven and ocean,
 Angels of rain and lightning : there are spread
 On the blue surface of thine airy surge,
 Like the bright hair uplifted from the head
 Of some fierce *Mænad*, even from the dim verge
 Of the horizon to the zenith’s height,
 The locks of the approaching storm.”

But we cannot pass over so cursorily the Hymn of Apollo, because in the severe simplicity and selection of the diction we have an instance of Shelley’s power over the *forms* of poetry, whenever his attention was given to his art rather than to the moral or political uses it might be made to serve. It reminds one of the ethnic completeness of Goethe in some of his shorter poems :—

“The sleepless Hours who watch me as I lie,
 Curtained with star-enwoven tapestries,
 From the broad moonlight of the sky,
 Fanning the busy dreams from my dim eyes,—
 Waken me when their Mother the gray Dawn,
 Tells them that dreams and that the moon is gone.

“Then I arise, and climbing Heaven’s blue dome,
 I walk over the mountains and the waves,
 Leaving my robe upon the ocean foam ;
 My footsteps pave the clouds with fire ; the caves
 Are filled with my bright presence, and the air
 Leaves the green earth to my embraces bare.

- " The sunbeams are my shafts, with which I kill
 Deceit, that loves the night and fears the day ;
 All men who do or even imagine ill
 Fly me, and from the glory of my ray
 Good minds and open actions take new might,
 Until diminished by the reign of night.
- " I feed the clouds, the rainbow and the flowers,
 With their ethereal colours : the Moon's globe
 And the pure stars in their eternal bowers
 Are cinctured with my power as with a robe :
 Whatever lamps on Earth or Heaven may shine
 Are portions of one power which is mine.
- " I stand at noon upon the peak of Heaven,
 Then with unwilling steps I wander down
 Into the clouds of the Atlantic even ;
 For grief that I depart they weep and frown :
 What look is more delightful than the smile
 With which I soothe them from the Western isle ?
- " I am the eye with which the Universe
 Beholds itself and knows itself divine ;
 All harmony of instrument or verse,
 All prophecy, all medicine are mine,
 All light of art or nature :—to my song
 Victory and praise in their own right belong."

We have quoted from the less-known works of Shelley ; but our theory of his qualities as a poet being in many points at variance with that of his eulogists, it was necessary that our dissent should not rest on mere assertion. We wish to represent Shelley, not mastered by a luxuriant fancy, nor squandering aimlessly his objective stores, but in his simpler and severer modes of imagination and expression. From the long poem of *Rosalind and Helen*, with the exception of the lines beginning with "Thou knowest what a thing is Poverty," we could extract no single passage not marred by diffuseness of thought, or prodigality of fancy, unless it were the opening lines of the description of "an antique wood":—

" In silence then they took the way
 Beneath the forest's solitude.
 It was a vast and antique wood
 Through which they took their way ;
 And the grey shades of evening
 O'er that green wilderness did fling
 Still deeper solitude.

Pursuing still the path that wound
The vast and knotted trees around
Through which slow shades were wandering,
To a deep lawny dell they came,
To a stone seat beside a spring,
O'er which the columned wood did frame
A roofless temple."

It is from an opposite motive that we produce no passage from the Lines written among the Euganean Hills. In these there is a unity of object, of description and sensation, that could not be preserved in an extract. It is impossible to read the entire poem without regretting that Shelley did not resign himself oftener to the passive reception of external nature without seeking to symbolize and interpret what she presented to him. Of the three conditions of poetry that it be "simple, sensuous, passionate," an over-active intellect and fancy combined with a frail and shattered temperament to give to the last, in Shelley's conceptions of his art, an undue preference. It has been the principle of our quotations to take such passages only as unite, or approach nearest to, a union of these qualities of style.

We have already noticed a common mistake in the critics friendly to Shelley, of attributing to his works an antique tone of composition; and there seems to us a similar objection to imputing a Platonic spirit to them as an excuse or a reason for their abstruseness or obscurity. In poems professedly philosophical, the author has made up his mind to "an audience fit, but few;" and the reader is prepared for secret meanings and symbolic imagery, to be understood by him in proportion to his acquaintance with the inner doctrines of the school he belongs to. But Shelley expressly disclaims all intention of writing *didactic* verse for the few; and trusts to the common feelings and experience of men that his poems will be intelligible to any one who reads with no predisposition to stumble and find fault. Mysticism therefore, always a blemish in an art whose peculiar privilege it is to invest our intellectual perceptions and notions with a more ethereal life, can properly have no place in poems intended to awaken in universal man a purer and deeper sense of his rights and his destiny. Platonism, however, is a convenient word, when, either in writing or discourse, there is no very accurate meaning

in the thought. It is less repulsive than metaphysics, and yet vague enough for all purposes of mystification. But whatever is meant by it, they who use it are not sufficiently aware that, although Plato is difficult, he is seldom mystical. He follows an argument into its remotest corners, but he does not dress it up in a dazzling and fantastic robe of symbol and allusion; on the contrary, his system of discussion is the severest exercise of the mind, and a stern precision of language, whatever aids he may derive from the imagination, is the characteristic of his style.

Such self-sacrifice, as this requires, is not to be looked for upon the brilliant pages devoted in our critical literature to the rising or the favourite poets of the day. Occasionally, however, the germs of the Platonic mind are perceptible in Shelley beyond the other eminent writers of this century. In parts of his better poems, and especially in some he left incomplete, are to be found an exquisite subtilty of diction, a fine apprehension of sound and colour and form, an intuition of the symbolical meanings of nature in relation to remoter truth, and of the office of poetry to announce, as it is that of philosophy to expound them. But these are glimpses and coruscations only, not the steady light and effluence of an indwelling idea. His intellectual training was too imperfect, and not sufficiently above the bondage of forms, to have brought with it the philosophic mind; and Shelley had not learned the patience and faith of a disciple before he rushed into the arduous duties of a teacher. To no one, at the time his earlier poems were sent forth, would the Pythagorean silence have been a more salutary injunction.

The *Adonais* is one of the most perfect of Shelley's compositions, notwithstanding the excessive use of allegory in particular stanzas. The tender and graceful spirit of Greek elegy is revived in it; the same depth of emotion embodied in imagery of the outward world; the same reluctant yielding to death and the sense of desolation. It has inseparably united the names of the two youthful poets together, so long as the strong imagination and deep feelings of modern art shall be intelligible to a later age. It was a friendly rivalry between them, we are informed by one of Shelley's biographers, that gave rise to *Endymion* and the *Revolt of Islam*,

but we cannot assent to his succeeding remarks upon the genius of Keats. With an intellect of larger range and of higher power, with a command of the materials of poetry beyond that of the author of *Endymion*, Shelley is inferior to him in truth of representation, in the art of giving life and reality, character and unity to persons and events; and, though far more eloquent and versatile in his poetic measures, less simple and felicitous in his general language. Had life and leisure been allowed him, Keats, to judge by *Isabella* and the *Eve of St. Agnes*, might have successfully trodden in the steps of Boccaccio and Chaucer; while, in the few odes he left behind him, there are "strains of a higher mood" and in an unattempted style of lyrical composition.

Shelley's psychological theories, a species of eclectic Platonism, led him, with his usual excess and enthusiasm, to adopt the idea of Pantheism as his imaginative creed, and it pervades the *Adonais*, and is the subject of the *Witch of Atlas*. *Adonais* is not dead; he is made one with nature; he is become a portion of the loveliness of the universe, of the one spirit of formation and production. The absorption of the human life of *Adonais* in universal being, under manifold forms, is the idea represented in the elegy. His metempsychosis is mourned by all that he had loved and moulded into thought from nature and from mind; but the change is afterwards welcomed and exulted in as the proper destiny of "the soul of *Adonais*."

" . . . he is not dead, he doth not sleep—
He hath awakened from the dream of life—
'Tis we, who lost in stormy visions, keep
With phantoms an unprofitable strife,
And, in mad trance, strike with our spirit's knife
Invulnerable nothings—We decay
Like corpses in a charnel: fear and grief
Convulse us and consume us day by day,
And cold hopes swarm like worms within our living clay.

" He has outsoared the shadow of our night;
Envy and calumny, and hate and pain,
And that unrest which men miscall delight
Can touch him not and torture not again;
From the contagion of the world's slow stain
He is secure, and now can never mourn
A heart grown cold, a head grown grey in vain,

Nor, when the spirit's self has ceased to burn,
With sparkless ashes load an unlamented urn.

"He is made one with Nature; there is heard
His voice in all her music, from the moan
Of thunder, to the song of night's sweet bird;
He is a presence to be felt and known
In darkness and in light, from herb and stone
Spreading itself where'er that Power may move
Which has withdrawn his being to its own;
Which wields the world with never-wearied love,
Sustains it from beneath, and kindles it above.

"He is a portion of the loveliness
Which once he made more lovely; he doth bear
His part, where the one spirit's plastic stress
Sweeps through the dull dense world, compelling there
All new successions to the forms they wear;
Torturing the unwilling dross that checks its flight
To its own likeness as each mass may bear;
And bursting in its beauty and its might
From trees and beasts and men into the Heaven's light."

The poems which Shelley published with the view of recommending political or moral doctrines are so different from those in which he was content to follow the proper vocation of his art, while the mass of his poetry is so great, and in his posthumous fragments there are so many indications of a higher and purer spirit than his earlier works displayed, that we can illustrate our views of his literary character only by frequent quotations. It would seem from the editor's notes, that in later years he was becoming more impressed with the necessity, if his calling as a poet was to be fulfilled, of governing his own tastes and studies more in accordance with the general sympathies of men. And from this conviction we may date a salutary change in his conceptions of his art, and in his style. The imperceptible influence of good models, perhaps the study of Calderon, and the misfortunes of his life, derived immediately from the indiscretion of his opinions, had sobered and steadied the irregular enthusiasm of his disposition. He was passing from a lower to a higher stage of intellectual growth; for it should ever be kept in mind, that in Shelley's works we have nothing that does not evince a period of spiritual turbulence and transition: and with the subsidence of passion and under the teaching of

experience, it is but reasonable to infer that calmness and strength would have added unity and clearness to his extraordinary powers of imagination and eloquence. To be fairly judged, he must be looked upon as one who, in rash and extravagant haste to renovate and impel the feelings of his contemporaries, laid before them his "studies" only, lest his mature compositions should come upon an age too late, or a generation, like the past, too hardened in its own views to accept what seemed to him necessary for their awakening and regeneration.

It is to the shorter and fragmentary poems of Shelley, therefore, that we would direct any one desirous of forming a correct judgement of his powers, especially if he has been led away either by undue admiration or dislike of works so unequal and peculiar to a certain condition of mind as the *Prometheus*, and *The Revolt of Islam*. But it would be impossible to represent the posthumous poems of Shelley, among which the fragments and shorter pieces were published, without multiplying quotations in a manner incompatible with our own limits, and probably with our readers' patience. As in the poetry of Petrarch, there is a unity of feeling under manifold forms of expression in these fragments, that points them out to the future biographer of Shelley as his most authentic materials for imparting life and meaning to the maze and riddle which, without such a clue, outward circumstances always present when the living comment of personal knowledge cannot be had. To bring forward a few of these fragments, however beautiful or complete each in itself may be, would break the unity which, we believe, the whole collection will be found to possess. We must rather briefly notice a work of Shelley's that stands equally apart from the poems in which he embodied his own feelings and doctrines, and those drawn from his imagination alone.

However opposed and even revolting to the tastes of our age the *Cenci* may be, it is not necessarily repugnant to the feelings of one, like that of our elder dramatic literature, accustomed to the exhibition of strong passions and portentous crime. Which is the healthier disposition it is not now our province to inquire: but beyond the selection of such a plot, Shelley has nothing to answer for in whatever relates to

the delicacy and decorum of its treatment. It is however to its merits as a composition, as it stands in contradistinction to Shelley's other works, as the evidence of his power to compress his thoughts and to condense his language when he saw fit, that we wish to direct the attention of our readers.

The origin of the *Cenci* has been described by its author in a preface, not more remarkable for the beauty of the language than for the discrimination and soundness of the thought. Indeed his prose style always makes us regret that, instead of misemploying his poetry upon speculations of questionable worth, he did not, with his sincerity of purpose and his copious resources from books and observation, turn his attention, after his acquaintance with the writings of Plato began, to the composition of philosophical dialogues, especially in the department of philosophical criticism. Mrs. Shelley has entered yet more fully upon the origin and progress of a tragedy, which, had it even appeared in the days of Dekker and Marston, would have been remarkable for its mastery of passion and pathos.

"Shelley had often incited me," the editor says in her note on the *Cenci*, "to attempt the writing a tragedy. He conceived that I possessed some dramatic talent, and he was always most earnest and energetic in his exhortations that I should cultivate any talent I possessed to the utmost. I entertained a truer estimate of my powers; and above all, though at that time not exactly aware of the fact, I was far too young to have any chance of succeeding, even moderately, in a species of composition that requires a greater scope of experience in, and sympathy with, human passion, than could then have fallen to my lot, or than any perhaps, except Shelley, ever possessed, even at the age of twenty-six, at which he wrote the *Cenci*."

"On the other hand, Shelley most erroneously conceived himself to be destitute of this talent. He believed that one of the first requisites was the capacity of forming and following up a story or plot. He fancied himself to be defective in this portion of imagination; it was that which gave him least pleasure in the writings of others, though he laid great store by it, as the proper framework to support the sublimest efforts of poetry. He asserted that he was too metaphysical and abstract—too fond of the theoretical and the ideal to succeed as a tragedian. [! ?]

"The subject he had suggested for a tragedy was Charles I. When in Rome in 1819, a friend put into our hands the old manuscript account of the story of the *Cenci*. We visited the Colonna and Doria palaces, where the portraits of Beatrice were to be found, and her beauty cast the reflexion of its own grace over her appalling story. Shelley's imagination became strongly excited, and he urged the subject to me as one fitted for a tragedy.

More than ever I felt my incompetence ; but I entreated him to write it instead : and he began and proceeded swiftly, urged on by intense sympathy with the sufferings of the human beings, whose passions, so long cold in the tomb, he revived and gifted with poetic language."

Without going quite to the extent of commendation which this passage intimates, or feeling at all convinced by it that Shelley was fitted for a "*tragedian*," it is impossible not to acknowledge the versatility and energy of imagination which, within a few months' space, could produce two works so dissimilar to one another as the *Prometheus* and the *Cenci*. Neither can it escape notice, that Shelley in the latter production went far to wean himself from the obscure and redundant manner of his earlier works. The *Cenci* has the faults of a young play-writer, and which a practical acquaintance with life can alone correct. Properly speaking, there is no plot, and little dialogue ; but as a poem, cast into a dramatic form, it has high excellences of passion and eloquence. Shelley, when preparing for his departure from England, had seen Miss O'Neil, and frequently attended the theatres. This probably gave to his conceptions a fixed centre and outline, which the nature of his imaginative temperament seems always to have required. No one could expand and embellish a story better, as his exquisite fragment of *Ginevra* proves. No one seemingly, when left to his own invention, was more unfortunately singular and extravagant.

We have unwillingly dwelt rather upon the faults than the excellences of Shelley, because we believe him more than any other poet of his age destined to operate upon the future poetical literature of England. Wordsworth is imitable by such alone as resemble him in the nature of their imaginative temperament ; or it will be the merely formal imitation of which men of talents and cleverness are capable. Byron in his more popular works embodied the present only ; in his later ones, when his reputation was on the wane, he was passing over to a new and better period of development, which his early death prevented him from reaching. His influence, consequently, is weakened as time and circumstances change and move onward, and the least enduring portions of his works are those, probably, that at the time they were written were the most applauded. Keats is of no age. He is one of that

laureate fraternity which time does not antiquate nor fashion supersede. But in Shelley are visible the germs of a future poetry more intellectual, more nearly allied to the abstract truths of universal faith and philosophy, than any that has yet appeared. With this promise, however, there is joined the danger of mistaking what is accidental in his works for what is permanent; of substituting vague and fruitless speculations for that integral portion of "divine philosophy" that readily combines with poetry. In an age which, in its general character, resembled the latter part of the eighteenth century, a similar philosophy to that of Shelley was recommended to the studious and refined Romans by the earnest-minded Lucretius. His arduous poem had no immediate imitators, but its influence is perceptible in the next generation. It has imparted a deeper tone to the tender and pensive imagination of Virgil, and introduced a not unpleasing discord among the light and cheerful strains of Ovid. Such, perhaps, will be the influence of Shelley also upon the poets of his own country. While they studiously avoid the direct imitation of him, they will unconsciously imbibe his spirit. His rich and exuberant imagery will re-appear under forms more chastised, and in less intricate combinations, but with something also of its original freshness fallen away. Some of his aspirations for the improvement of political institutions are already realized. Of others, and of his projects of social melioration in general, the fallacy and incompatibility with the best interests of men are better understood than when he rashly came forward as their advocate; but with clearer perceptions there is also reason to hope that we unite a more considerate and indulgent spirit. For who, it may be asked, were they who cast a stone at Shelley? Were they, with all the advantages of less intellectual temperaments, of duller sensibilities, of worldly experience, of age and orthodoxy, preferable to him for justice, for generosity, or self-denial? Were they superior or equal to him in genius or attainments? Did they, in their actions or their writings, evince more disinterested love or larger sympathies for mankind? or, did they, on the contrary, cater more successfully for the vices and foibles of society, and build their reputation in life upon their skill in tricking out in good set phrases the opinions and the philosophy most

palatable to the age? Of presumption and rashness we will not acquit Shelley; but are there no other vices of the temper or the will, from which he was exempt, which those who arraigned him cultivated and cherished as necessary and creditable for moralists and critics to entertain? But it is time to close our very imperfect remarks on the genius and character of Shelley. If we have more clearly pointed out and traced the causes and the consequences of his errors as a poet, we can securely leave the discovery of new excellences in him to the personal feeling and predilection of our readers.

ARTICLE V.

1. *The Dispatches of Field Marshal the Duke of Wellington, during his various Campaigns in India, Denmark, Portugal, Spain, the Low Countries, and France. From 1799 to 1818.* Compiled from Official and Authentic Documents. By Lieutenant-Colonel GURWOOD, Esquire to His Grace as Knight of the Bath.
2. *The General Orders of Field Marshal the Duke of Wellington in Portugal, Spain, and France; from 1809 to 1814. In the Low Countries and France, in 1815. And in France, Army of Occupation from 1816 to 1818.* Compiled from the several printed volumes, which were originally issued to the General and Staff Officers, and Officers commanding Regiments in the above Campaigns. By Lieutenant-Colonel GURWOOD.

WEAK must be the perceptions and obtuse the intellect of the man who can scan the page of history, and not trace the chains of events worked out by men fulfilling the ends of Providence. From the first dawn of time to these days, when concurrent events lead to the belief that some great consummation is at hand, mortals who have stood pre-eminent among their fellows, have been selected as instruments, and live in the memories of all generations. Cyrus redeemed, in accordance

with irresistible commands, the chosen people from their bondage. Attilas, instinct with fury to destroy, fulfilled their appointed tasks, and swept and trampled down the Roman empire to the dust. Ranging over the gulf of time, the historic visions of more modern eras float by, all connected, all parts of one great whole, clearly drawing to a close. To trace with steady eye and hand that great outline and close contexture, is not our province, and would require more time and space than can be here afforded. But during the last great series of events, which commenced with the French Revolution, the extraordinary man, the map of whose mind and career is now given to the world, was one of the mighty leaders, an instrument chosen to guide the storm of war, to destroy or defend, uphold or depose, until the vial of wrath which had been poured out upon the earth was exhausted,—then he sealed his last dreadful battle with the impress of victory and peace, which can never again be finally obliterated.

With this conviction, the Conqueror of Waterloo becomes invested with a character of the deepest interest, and wholly distinct from his weaknesses as a fellow-mortal. We know not the course of his own reflections, but we have seen his words written from the last field of his glory, while the enemy were discomfited and flying, before he knew the full extent either of the dreadful carnage or of his triumph,—when after enumerating some who had fallen, he ended the brief letter with “I HAVE ESCAPED UNHURT,—THE FINGER OF PROVIDENCE WAS ON ME.” What the impulse was which dictated these extraordinary words we leave to the opinion of these who read them.

The fields of action for extraordinary men are extraordinary times—they are contemporaneous. Yet in every instance can be traced the gradual training and preparation of the being, until fully prepared to complete the work for which he was intended. The scope of our inquiries becomes divided into two parts: first, the times; secondly, the part performed by the man in those times. The time, or period, is a part of that in which we live, and therefore too well known to require more than a sketch to revive the recollection of the leading points.

The year 1794 was the date of the first campaign in which

the Duke was engaged, when France was thus described by Isnard, a member of the Convention, and an active Jacobin :—

" Le règne de la terreur établi ; tous les sentimens de la nature étouffés ; la liberté des actions, de la parole, de la presse, enchaînée ; la probité, la vertu, la philosophie prosrites ; le commerce, les sciences, et les arts anéantis ; le Vandalisme et le brigandage couronnés ; le Maratisme déifié ; la fortune publique décapitée ; la morale humaine corrompue ; la foi nationale volée ; les propriétés envahies ; de nombreux tribunaux de sang institués, le droit de vie et de mort délégué aux êtres les plus féroces ; des milliers d'échafauds dressés, cinquante mille Bastilles encombrés de prétendus prisonniers d'état ; cent mille victimes suppliciées, foudroyés, ou submergés ; des millions de familles, de veuves, d'orphelins, noyés dans les pleurs ; des départemens entiers passés au tranchant de l'épée et consumés par les flammes ; de vastes contrées n'offrant pour moissons que des ossemens et des ronces ; la veillesse massacrée et brûlée sur son lit de douleur ; l'enfance égorgée dans le ventre maternel ; la virginité violée jusques dans les bras de la mort ; les monstres de l'océan engraisés de chair humaine ; la Loire roulant plus de cadavres que de cailloux ; le Rhone et la Saône changés en rivières de sang ; Vaucluse en fontaine de larmes ; Nantes en tombeaux ; Paris, Arras, Bordeaux, Strasbourg, en boucheries ; Lyon en ruines ; le Midi en desert, et la France entière en un vaste théâtre d'horreurs, de pillage, et de meurtres."

England, in some degree tainted with the epidemic of revolution, but imperfectly acquainted with its horrors and the objects of the leaders, had been forced by that insane country into a defensive war. The excited armies of France, on the pretext of establishing liberty throughout the world, poured down to the seizure of every realm they could conquer, of every town they could sack, and every district they could leave to military pillage. The ancient régimes of Austria and Prussia were shaken to their very centres, and their councils rendered vacillating and dispirited ; Spain, a mass of imbecility and political corruption, was a tempting quarry ; young America, ignorant and enthusiastic, clasped the hand of alliance with polluted France ; while Russia, after being driven from the battle-field, looked on with fear and trembling at the promulgation of doctrines fraught with the wildest forms of rebellion against universal law and order,—then she became the confederate, and at last one of the instruments of punishment. Such a state of the realms of the civilized world was certain to produce, on the one side, men of reckless energy, talent and military vanity, depraved by

the vulgarity of the mere love of war and conquest; on the other hand, in conformity with the great law, that violence, oppression and injustice beget resistance, men were certain to appear of as great resolution, ability and military genius, guided by the highest principles of integrity and honour, and who, instead of fretting for the vanity of glory, would seek high renown as leaders in the defence of the religion, the laws, the territory of their country and of the civilized nations who were so wantonly assailed. The principal chiefs of the operative part, on the one side, were Napoleon and his lieutenants; on the other, Wellington, his countrymen and allies.

Though the intellectual faculties and propensities of such men may be, and doubtless are, the best adapted to the parts they have to perform, yet it is requisite that the circumstances in which they are placed should accord with the training necessary to fit them for their work. Some observation and reflection show, that in both those extraordinary leaders their training did so accord with their future career, and that similar situations produced in both of them different results. Success rendered the one self-vaunting, incautious, impatient of restraint, self-sufficient, and feigning to be invincible,—the other, *mistrustful*, cautious even in matters of minute detail, patient and compliant to powers and circumstances, *self-relying*, provident against defeat, and not less so in victory. These different effects were the natural causes of the discomfiture and downfall of the one, and of the steady career of glory and permanent triumph of the other. This, to us attractive, kind of analysis may be resumed before we close our labours;—we must now give some account of the volumes before us, and of the mind of the extraordinary man as delineated in them; a task, to which we address ourselves with the greater readiness, because we can furnish information new to the public, and to be depended upon for its accuracy.

A brief account of the origin of the work, so ably executed by Colonel Gurwood, cannot but interest every reader. Impressed with the importance to history of documents illustrating a series of events not exceeded for their momentous results in any age of the world, and aware that misrepresentations and erroneous impressions were diffused, which might in time come to be considered as truth, he urged on the

chief he had served and often followed to the field of victory, the necessity of permitting the documentary narrative of facts to be prepared for the printing-press, and then published to the world. At first the Duke was averse to the undertaking, "lest he should be drawn into controversies with nations and men in proportion as the truth was told." Notwithstanding, his faithful follower respectfully, and with a soldier's feeling, pressed the suit,—

First, proposing to continue the work under his Grace's direction.

Secondly, to collect, collate, and submit the work to his Grace's inspection, to print and deposit a corrected copy with him, so that hereafter an attested and corrected document might be given to the world.

Thirdly, to discontinue the compilation.

His Grace having confidence in Colonel Gurwood, the first proposition was accepted, and every source of information was thrown open to him, and every assistance afforded from the wonderful memory of the Duke, *though no fact was allowed to be inserted which a written document was not in existence to verify.* We here distinctly state, that no other person ever had access to any documents of the Duke, by his Grace's permission, for any historical or other purpose, and that all inferential pretensions to such privilege are not founded in fact.

The Duke's precision and business-like arrangement of his papers cannot be exceeded. The original drafts of the dispatches and letters written in the Peninsula, as also those received, were kept in a different manner from the rest; the drafts or copies of the original letters were folded up and classed alphabetically, and then arranged in monthly bundles, with a card specifying the letters contained in each bundle. From these an annual list or index was made containing the *précis* of each letter, arranged also alphabetically, monthly and annually. His Grace adopted this plan of keeping his correspondence, as being more compact and less troublesome than the usual mode of letter-books, and the Military Secretary's department was a model of arrangement as well as of portableness.

The greater part of the despatches and papers relating to the Mysore war and Indian affairs was made by a copying machine on very thin paper, on which, from having been wetted, the writing had become faded from decomposition and in many cases quite illegible. Colonel Gurwood was however recommended to wet the sheets with a chemical composition, and then by exposing them quickly to the fire (in a Dutch oven) the writing for a short time again became legible. They were immediately copied, but as may be supposed the thin paper and the writing suffered in the operation. The original map of the Mahratta operations is most probably lost, as it cannot be traced beyond the Custom House: another copy has been procured and is now engraving by Arrowsmith. Having thus briefly informed the curious of the state and uses of some of the materials, we shall proceed more boldly on our work. "*Magna est veritas et prævalet.*"—The malevolence of political party-spirit, the baseless vituperations of the wicked, the envy of the vanquished, the doubts of the ignorant and the sceptic, are for ever silenced by the publication of this mass of irrefutable documents.

By every reflecting person the Duke of Wellington must be looked on as a man who has done his duty pre-eminently in every position in which he has been placed, from a young lieutenant-colonel in his first campaign, on the disastrous retreat through Holland in 1794, where he was marked as giving promise, by his zeal and intelligence, of future excellence,—to when entrusted with the command of armies and the restoration of dynasties.

These volumes engrave in imperishable characters on his name the stamp of the patriot, the hero and the English gentleman. From them we see that his country's honour was ever his foremost thought: he set the unsullied example, and called on every man he commanded or could influence to follow it; in case of any defection, his justice never failed from want of firmness, and never attained the character of undue sternness; of the high-toned discipline requisite to be supported either in an invading or retreating army, no civilian can form a just idea, and what to him may seem severity, in the eyes of a more competent judge is mercy to the many. When flushed with victory or clothed with power, he never

sought for either reward or honours; no undue ambition was ever shown to have existed in his mind either by word or deed; his sole effort appears to have been, to do his duty to his king, his country and himself, and by every honourable means within his power to fulfil the great object of the dreadful war,—to restore peace to distracted countries, and hurl from his pinnacle of power the warrior who had converted Europe into a charnel-house, blasted her fairest fields with blood and ashes, and filled the homes of nations with tears and lamentation. Throughout his whole career no vaunting word escapes him—not one appeal is made to empty vanity or inflated glory; his soldiers are called on to do their duty,—his highest praise is his assurance to his country that the expectation had been fulfilled, and that “every man had done his duty.” His calm and chivalrous courage was never unnecessarily displayed; but in the hour of need, in conjunction with his consummate genius, it inspired every man with perfect confidence. This is the great outline incontestably proved by the volumes for which our country is indebted to Colonel Gurwood: the various details by which those results were attained and the indefatigable attention necessary to their completion, will be developed in our analysis of their contents.

The Duke of Wellington's entrance into active service was inauspicious. It opened with the retreat of the British army through Holland in 1794. From the absence of superior officers, the command of the brigade to which his regiment, the 33rd, belonged, devolved upon him, at that time but twenty-five years old, and a lieutenant-colonel of only one year's standing. However unfortunate the result of that expedition, the incidents of it during the six months that he served with it, the glaring defects in the several departments of the army, and the want of professional talent in many of those in command, formed indelible lessons for his after guidance; for he learned more from the errors of his superiors than he could profit from the good examples before him; and the reflections consequent on all these led to the formation and discipline of that mind which was shortly afterwards destined to command armies, and to become a model in the civil as well as in the military administration of them. It appears

that Sir James Craig, the Adjutant-General to the expedition, had noticed the superior intelligence and zeal of Lieutenant-Colonel Wellesley, and on his return to England made a very favourable report of him to Mr. Pitt.

In the autumn of 1795 he embarked for the West Indies in the fleet commanded by Admiral Christian, and after keeping the sea for six weeks during the tremendous gale, in which many of the vessels composing it perished, his ship fortunately returned to Portsmouth. The destination of the 33rd being changed we find him at Calcutta in 1797, and shortly afterwards proceeding to Manilla with an expedition which, on arriving at the rendezvous at Penang, was recalled, and he returned to Bengal. He then proceeded on a visit to his friend Lord Hobart, the Governor of Madras, where he remained about two months, which afforded him an opportunity of visiting the different establishments of that presidency. In August 1798, his regiment was removed from Bengal to Madras; and as senior officer he commanded the army assembled at Wallajahbad, and afterwards stationed at Vellore, until the arrival of the commander-in-chief, General Harris. In the Wellesley Dispatches there is a letter from General Harris to the governor-general, containing a flattering testimony of the state of the army, and of the admirable system adopted by Colonel Wellesley during his temporary command. (Vol. i. p. 425.)

In the Mysore war which followed, Colonel Wellesley was appointed to command the Nizam's forces, to which the 33rd regiment was attached; and on the march of the army to Seringapatam he had an opportunity of distinguishing himself on the 27th March, 1799, at the affair of Mallavelly. On taking up the ground before Seringapatam there was an affair at the Sultaunpettah tope, the night attack on which by the 33rd, under Colonel Wellesley, was unsuccessful from the darkness of the night and other causes fully detailed; but the capture of that post was accomplished by an increased force under Colonel Wellesley by daylight on the following morning. The failure of the night attack is explained in some notes and extracts from the private diary of General Harris, but we think unnecessarily, as the affair was of no importance, and certainly neither the previous nor the sub-

sequent conduct of Colonel Wellesley could excite even a suspicion of want of judgement on that occasion, or warrant any attempt at exculpation from exaggerations of unfounded "camp gossip."

Although the homely expression in the preceding paragraph shows the contempt in which the insinuation is held, and although several years had elapsed before it was known by his Grace to have been breathed, it is our duty to say that the idle and erroneous opinion still exists, for in the *Revue des deux Mondes*, 15th *Septembre*, 1839, p. 782, are these words:—

"Il était déjà lieutenant-colonel quand il entra au service de la Compagnie des Indes, et les protections de son frère, devenu gouverneur-général des Indes orientales, ayant valu au jeune Wellesley le commandement des troupes du Nizam, lors de l'attaque de Séringapatam il eut à lutter à la fois contre ses propres officiers et contre les troupes de Tippoo. Tout le monde sait que, dans sa première affaire, le jeune Wellesley ne se montra pas aussi épris du sifflement des balles, que le fut en pareil cas Charles XII. ; et le général Harris, qui commandait en chef, ne pensait pas que le jeune officier qui revenait si agité dans le camp, serait un jour le héros de l'Angleterre."

The writer of that paragraph exhibits, to speak in the mildest terms, a sad want of accuracy, as Lieut.-Colonel Wellesley had distinguished himself in Holland in 1794, and on the 27th of March, in the same year (1799) in which he is said to have been "*dans sa première affaire*," and not to be "*aussi épris*" at the whistling of the shot, he commanded in the left wing of general Harris's army at Mallavelly; and on an aide-du-camp informing him that the attack proposed by him was approved by general Harris, he "advanced *en échellons* of battalions, supported by three regiments of cavalry (under General Floyd), when a column of the enemy, consisting of about 2000 infantry, moved forward in excellent order towards the 33rd regiment, which corps reserving its fire, with the utmost steadiness received that of the enemy at a distance of about sixty yards, then quickening its advance the column gave way and was thrown into disorder; General Floyd seizing the critical moment, charged them with his cavalry and destroyed great numbers."

The Sultaunpettah tope or thicket was full of broken ground, where this "*première affaire*" took place, and it being a night attack, the troops, from the nature of the

ground and the utter darkness, got into disorder and the attack failed; the next day it was repeated, and under Lieut.-Colonel Wellesley's orders completely succeeded. So much for the idle tale and the accuracy of the *Revue des deux Mondes* and "*sa première affaire*."

The first three volumes contain the details of the Duke's early military services in India, a period replete with interest, whether considered as a portion of the history of the conquest of that great dependency of the empire, or as developing his character. There are many chasms in the dates which may hereafter be filled up. As the present Marquess of Wellesley, his Grace's elder brother, was at that time Governor-General of India, the letters which passed between them, in addition to their public importance, are worthy of careful examination. They are, of course, of two kinds,—the one public, the other private. The former are specimens of that respect and precision which was due to a viceroy; the latter are open, manly and full of fraternal affection*. The nature of the correspondence between the two brothers may be exemplified by the following extract from a letter of the Governor-General proposing to unite him with Admiral Rainier, in an expedition against Batavia, which he declined. The extract also shows that George III. sometimes used his prerogative without consulting his ministers.

" Calcutta, 13th May, 1800.

" MY DEAR ARTHUR,—The object of this letter is to propose to you a situation, which I think it would be unjust not to submit to your option, although I entertain considerable doubts whether you will think it eligible

* It may not be out of place to introduce here some particulars of the childhood of the Duke of Wellington. The information is from a schoolfellow, whose accuracy may be relied on. When about ten years old, his Grace was under the tuition of the reverend William Gower at Chelsea. His health was indifferent, but improved as he grew up. Those occasional attacks of illness produced an indolent and careless manner, and often a great degree of heaviness. Unlike boys of his age, he was never seen to play, but generally came lagging out of the school-room into the play-ground; in the centre of it was a large wall-et-tree, against which he used to lounge and lean, observing his schoolfellows, who were playing a variety of games around him. If any boy played unfairly the game he was engaged in, Arthur quickly gave intelligence to those engaged in the game; on the delinquent being turned out, it was generally wished that he should supply his place, but nothing could induce him to do so; and when beset by a party of five or six, he would fight with the utmost courage and determination until he freed himself from their grasp: he would then retire again to his tree, and look about him as quiet, dejected and observant as he had been before.

with a view to your individual interests ; and I am still more apprehensive of the difficulty of reconciling it with the exigencies of the public service in Mysore at this crisis. You will however exercise your own free judgment on the subject, and I have no doubt that you will decide in the manner most honourable to yourself, and most advantageous to the public.

" I have received instructions directly from the king, addressed to me in my individual capacity, empowering me to take measures for the purpose of endeavouring to induce the settlement of Batavia to accept his majesty's protection on the same terms lately granted to the colony of Surinam, and some time past to those of Demerara and Berbice.

" It is not the intention of ministers to attempt to reduce or to retain Batavia by force ; indeed a sufficient force for that purpose could not be spared from India at the present moment. The plan is therefore to send to Batavia several ships of war, with a force sufficiently numerous to furnish an ostensible justification to the governor-general to surrender the colony into our hands.

" The king has given me the power of selecting the persons who are to conduct the expedition, and I have thought it on every ground most expedient to place the principal conduct of the equipment and negotiation in the hand of Admiral Rainier. It will be necessary to join a military officer in the commission with him, and a conscientious sense of duty induces me to think that you are the most fit person to be selected for that service, provided you can be safely spared from Mysore for the period of the expedition, which I imagine may be four or five months, but probably cannot be longer," &c. &c.

It will now be necessary for the sake of clearness to retrace our progress, and recommence with the proceedings at Seringapatam in May 1799. Col. Wellesley, at the storming of that fort, "remained in the advanced trenches in command of the reserve, to support the troops in the assault, in case it should be necessary." He "entered the fort immediately after the assault; and was one of the few present when Tippoo Sultaun's body, which was still warm, was discovered in the sallyport gateway." On Major-General Baird desiring to be relieved, Colonel Wellesley, being next on the roster, was appointed to the command of the fort. His laconic and energetic measures are characteristic. The following letter is an example :—

" Half-past Twelve.

" My dear Sir,—I wish you would send the provost here, and put him under my orders. Until some of the plunderers are hanged, it is vain to expect to stop the plunder.

" I shall be obliged to you to send *positive* orders respecting the treasure."

" Lieut.-General Harris."

On the same day he writes, "There are some tigers here, which I wish Meer Allum would send for, or else I must give orders to have them shot, as there is no food for them, and nobody to attend to them, and they are getting violent." These four tigers guarded the entrance to Tippoo's bed-room, and were chained so that no one could pass the entrance without encountering them. The grenadiers fired on them and killed three; the fourth escaped by breaking his chain, and rushed into the gallery where the shroffs—native bankers and jewellers—were squatted on their mats, making catalogues of the treasure, diamonds and other precious stones: they all scampered off, leaving the valuables to the wounded beast, which leaped on one of the pillars that supported the roof, and there clung until the soldiers shot it. The command was confirmed by his brother, the governor-general, and the charge of removing the family of Tippoo entrusted to him in these remarkable words,—because "it cannot be entrusted to any person more likely to combine every office of humanity with the prudential precautions required by the occasion." That he exhibited during his administration there, the great qualities inferred by these words as constituent parts of his character, is fully proved by the following beautiful address from the inhabitants of Seringapatam, after long experience of his rule:—

"Seringapatam, 16th July, 1804.

"We, the native inhabitants of Seringapatam, have reposed for five auspicious years under the shadow of your protection.

"We have felt, even during your absence, in the midst of battle and of victory, that your care for our prosperity had been extended to us in as ample a manner as if no other object had occupied your mind.

"We are preparing to perform, in our several castes, the duties of thanksgiving and of sacrifice to the preserving God, who has brought you back in safety, and we present ourselves in person to express our joy.

"As your labours have been crowned with victory, so may your repose be graced with honours. May you long continue personally to dispense to us that full stream of security and happiness, which we first received with wonder, and continue to enjoy with gratitude; and when greater affairs shall call you from us, may the God of all castes and all nations deign to hear with favour our humble and constant prayers for your health, your glory, and your happiness."—*Ibid.* iii. p. 420.

Although this beautiful address, which evidently came warm-breathing from the heart, was written after the Mysore

war, we have thought proper to introduce it before entering on that part of the work, because it concludes the history of his Grace's command of Seringapatam and enables us to keep the field clear, so that the narrative may proceed without complexity. Colonel Gurwood thus prefaces that campaign:

"The tranquility of Mysore was, however, interrupted by the celebrated Doondiah Waugh, one of those adventurers who have so often subverted empires and founded dynasties in the East. This freebooter had formerly committed various depredations on the territories of Tippoo Sultaun, who having secured his person, compelled him to conform to the Mahomedan faith, and afterwards employed him in military service; but either detecting him in some treacherous project, or suspecting his fidelity, the Sultaun confined him in irons in Seringapatam. After the assault he was released with several other prisoners, by the inconsiderate humanity of the British troops, and immediately fled, accompanied by several of Tippoo's disbanded army. He proceeded to Bednore, and laid that rich country under severe contributions, which he exacted with unrelenting cruelty, perpetrating throughout the province the most atrocious acts of rapine and murder. His band being considerably increased, a light corps of cavalry and native infantry, under Lieutenant-Colonel Dalrymple, moved against him from Chittledroog: and another light corps under Colonel Stevenson, advanced into Bednore in another direction. Doondiah crossed the Toombuddra followed by these corps and suffered considerable loss, but he effected his escape into the Mahratta territory; and the pursuit ceased, as the Governor-General had strictly prohibited any violation of the Mahratta territory."

Such were the man and the circumstances which led to the active campaign against Doondiah Waugh, whom he was ordered "to pursue wherever he might find him and to hang him on the first tree," and whose destruction he himself thought absolutely necessary for the tranquillity of the empire.

The difficulties to be overcome in a country without roads or bridges, with a terrified population and uncertain supplies, called forth all his Grace's energies; the chase was rendered exciting by skirmishes and actions during a space of about four months. Among the despatches we find the following laconic passages:—

"Camp at Rannce Bednore, 28th June, 1800.

"To Col. Close,

"I arrived here yesterday, and instantly attacked the fort with my picquets, and the 1st of the 1st. The garrison consisted of 500 men, who fired upon our cavalry as they approached, and the greatest part of them were put to death. We did not lose a man."

Horrible (almost inexplicable) as that may seem, it must be remembered they were considered by the troops, free-booters, levying contributions and committing atrocities, and also that men when storming are not under much control. A month later, after numerous fights, we read,—

"Camp right of Malpoorba, opposite Manowby,
31st July, 1800.

"I then marched on the morning of the 30th to Hoogungoor, which is east of the Pureshur hill, where I learnt that Doondiah was here with his baggage. I determined to move on and attack him. I surprised his camp at three o'clock in the evening, with the cavalry, and we drove into the rivers or destroyed every body that was in it, took an elephant, several camels, bullocks, horses innumerable, families, women and children."—*Vol. i. p. 191.*

At length Doondiah was run down, though by wily turns and desperate deeds he had tried to baffle his pursuers. The following short extract narrates the final scene:—

"Camp at Yepulpur, 10th Sept. 1800.

"The enemy was strongly posted, with his rear and left flank covered by the village and rock of Conhgull, and stood for some time with apparent firmness; but such was the rapidity and determination of the charge made by those four regiments (19th and 25th dragoons, and 1st and 2nd regiments of cavalry) which I was obliged to form in one line, in order at all to equalise in length that of the enemy, that the whole gave way, and were pursued by my cavalry for many miles. Many, among others, Doondiah, were killed, and the whole body dispersed, and were scattered in small parties over the face of the country."

We are not to be carried away by mere assertions. This Doondiah must have been a man of great talent and of daring ambition;—he escapes from chains and a dungeon: without arms and without money, he raises an imposing force and tries to found a kingdom for himself,—a practice not so uncommon in the east as here,—and requires a powerful army and a skillful commander to subdue him. Doondiah had no great government to look to for the materiel of war, or the commissariat for his troops, or reinforcements, and therefore may be said to have fought against fearful odds. It would be impossible to say by what right a company of merchants (who came first by sufferance into India, and then gradually, by means less justifiable than those adopted by Doondiah, took the country,) ordered him to be "hanged on the nearest tree,"

and directed a sufficient force "to drive into the Malpoorba, where they were drowned, five thousand people," and to capture a fort and put to the sword, without the loss of a man on our side, the greater part of 500 men who garrisoned it. Our piratical acquisition of territory gave us no moral right to assume such authority in a strange land. Yet, what unprincipled men had obtained by blood and treachery, it might be necessary for the safety of all to hold in quietude; and therefore Doondiah was to be destroyed, because he was too bold and daring to be pacified. Such is the morality of conquerors!

In this campaign the extraordinary activity, the general comprehension, energy and prudence of his Grace are first made prominent. The leading characteristic to which we have alluded, and to which we shall again allude, pervades every thought and action; *general mistrust*, an evident restlessness of mind, is felt as existing in him until he had *seen* or received *positive proof*, that what he considered necessary had been done. That the efficiency of a whole depended, like a piece of machinery, on the perfect adaptation and completeness of the details, was a fact which was never for one moment lost sight of. After the numbers, quality and equipment of his army have occupied his attention, he enters into minute details of the various kinds of provision required, the means of transit, the number of draught bullocks, the carts, rumbrils, wheels, harness; he corresponds on the question of breeding the bullocks, pasturing them, taking care of the calves for future uses; he is bridge-maker, brick-maker, boat-builder, banker, adjuster of disputes, the centre of complicated native diplomacy, the careful protector of his men, the considerate and equitable promoter of allotment-money to their wives, the upholder of justice to all ranks without discrimination, the friend and earnest guardian of the inhabitants, and the astute and ever-watchful leader of his army. All these various avocations are performed without confusion, with evident mental facility, and with a clearness and decision which prove that he knew what he meant, and what he really required. All his communications are marked with the spirit of a gentleman and the decision of a commander; the first are conveyed with one of the criteria of

that generally-assumed, but by no means universally-deserved appellation, consideration for the feelings of others, impartiality and the tact to ensure ready and implicit obedience, by influence and the sense of duty, and not as the effect of irresistible command. The reader should keep in mind, that to the last moment of holding command in France, the same extraordinary attention to minutiae and the same general conduct prevailed; and therefore, prominent as the proofs may be, we shall not again refer to them. This grasp and universality of mind is one of the truest proofs of genius, when the various subjects neither distract nor oppress. That effect is nowhere discernible throughout the volumes; indeed his activity of mind and wondrous facility of resources appear to rise in power as the difficulties increase.

The next service his Grace was called on to perform was the equipment of an expedition at Trincomalee, the destination of which was afterwards changed to the Red Sea. He was superseded in that command by General Baird. There appears to have been a high-toned understanding between him and his brothers the Governor-General and the Hon. H. Wellesley, now Lord Cowley, on the subject, and much latitude given to him by the Governor-General, as expressed in the following letter:—

"Sir,

"Fort William, 28th March, 1801.

"The several arrangements being now completed, which induced me to avail myself of your knowledge and experience in the equipments of the expedition to be employed on the shores of the Red Sea, it appears to me, that your services may at present be more usefully employed in resuming the chief command of the troops stationed in Mysore. You have therefore my permission to return to that station; but you are to consider this despatch as containing merely my permission for your return to Mysore, and not any peremptory order to that effect," &c.—*Fol.* i. p. 308.

Notwithstanding the latitude given to him by the Governor-General, he is both hurt and disappointed, and expresses himself very strongly to the Hon. H. Wellesley, March 23rd.

"I have written a long letter to Government this day, about my departure from Ceylon, which I hope will explain every thing. Whether it does or not, I shall always consider those expeditions as the most unfortunate circumstances for me, in every point of view, that could have occurred; and as such I shall always lament them.

"I was at the top of the tree in this country; the governments of Fort St. George and Bombay, which I had served, placed unlimited confidence

in me, and I had received from both strong and repeated marks of their approbation. Before I quitted the Mysore country, I arranged the plan for taking possession of the ceded districts, which was done without striking a blow; and another plan for conquering Wynnad and reconquering Malabar, which I am informed has succeeded without loss on our side. But this supersession has ruined all my prospects, founded upon any service that I may have rendered. Upon this point I must refer you to the letters written to me and to the Governor of Fort St. George in May last, when an expedition to Batavia was in contemplation; and to those written to the governments of Fort St. George, Bombay, and Ceylon; and to the Admiral, Colonel Champagné, and myself, when the troops were assembled in Ceylon. I then ask you has there been any change whatever of circumstances that was not expected when I was appointed to the command? If there has not (and no one can say there has, without doing injustice to the Governor-General's foresight) my supersession must have been occasioned either by my own misconduct, or by an alteration of the sentiments of the Governor-General."

On the 11th of April, only fourteen days after the expression of his vexation and disappointment, his Grace thus writes to Colonel Champagné:—

"I am entirely ignorant of the circumstances which have caused my removal from the command of the troops; but I conclude that the Governor-General found that he could not resist the claims that General Baird had to be employed. I believe you know that I always thought that General Baird had not been well used when I was called to the command. But I do not think it was proper that I should be disappointed more than he was, in order that he might have no reason to complain. However, this is a matter of little consequence to anybody but myself, therefore I say no more on the subject."

To his brother, the Hon. H. Wellesley, he writes on this matter without reserve. It is from such letters that the true feelings are to be learned. The following extract shows the real high sentiments which prevailed, though smarting under treatment which he considered injurious and not dictated by consistency and prudence:—

"My former letters will have shown you how much this (his being superseded by Gen. Baird) will annoy me; but I have never had much value for the public spirit of any man who does not sacrifice his private views and convenience when it is necessary."

These becoming sentiments were concluded by his sending to General Baird, who had taken the command, the result of his experience and reflections, in letters to that officer, and a masterly "memorandum on the operations in the Red Sea." A very serious illness and an eruption which distressed and

annoyed him, and compelled him to go through "a course of nitrous baths," effectually prevented him from accompanying the expedition to Egypt.

As the Mahratta campaign was (in his Grace's opinion) the "great lesson" which taught him afterwards to become a master of the art of war, his disappointment, vexation and illness may be deemed rather blessings than misfortunes:—"the ways of Providence are to us dark and intricate:"—this mortal instrument was to be trained to his work. A mere march across the desert to act as a diversion and to rouse the Mamelukes of Upper Egypt, would not have effected that purpose.

We now reach the period of his return to Seringapatam, and quote his Grace's letter to Lord Clive (the late Earl Powis), as a specimen of simplicity and modesty:—

"My Lord,

"Bombay, 11th April, 1801.

"I have to inform you that I have had a fever since I arrived here, which has prevented my accompanying the armament to the Red Sea, although I have recovered all but my strength. I therefore propose, with your Lordship's permission, to proceed to join my command.

"I judge by the Governor-General's private letters to me, that he would have had no objection to this, even if my health had not obliged me to give over all thoughts of going to the Red Sea, but, under the present circumstances, he must approve of it.

"I acknowledge, that although I expected to return to put myself under your Lordship's orders, more worthy of your favours than I have been hitherto, I shall even now return with the greatest satisfaction. I have not forgot the confidence which was placed in me, nor the favour with which all my endeavours to serve the public were viewed, by your Lordship's government: and if your Lordship should think proper to employ me again in the same situation, an adherence to the same line of conduct which has heretofore gained your approbation will, I hope, gain it again."

From this time he appears to have been wholly absorbed by the importance of his former favourite command and by anticipation of active operations in the Mahratta territory.

In a preface to the war against the Mahratta chiefs in the Deccan, which followed in 1803, Colonel Gurwood introduces us to the preparations making for that memorable campaign. The first document is "a journal from the 12th of November to the 4th of December, 1802," which, by a note at the end of it, affords a curious proof of the singleness and capacity of

his Grace's mind. "This journal," he says, "was commenced
"that nothing might be omitted or forgotten in the various
"equipments and arrangements required in the projected ex-
"pedition, which being completed the journal was disconti-
"nued." There is no other journal or memorandum of a simi-
lar description throughout the work; and although his Grace
has proved that he could do without such an aid, it is to be
regretted that he did not continue some document of the
kind, or some diary, as marking the outline and detailed pro-
gress of a career, which his dispatches would have filled in.
The preparations for the advance into the Mahratta territory
are detailed in a manner which leaves nothing to desire; and
his various letters to Governor Duncan, Colonel Close and
General Stuart prove that he left little to chance, which on
so many occasions has assisted in making heroes. His atten-
tion was directed to all the details of an army necessary to
ensure the success of it. The Brinjarries, or grain merchants,
were examined and all their resources proved to be access-
ible; bridges of boats constructed under his own superintend-
ence; the pioneers instructed; the chiefs through whose ter-
ritories he was to pass were previously conciliated, and recon-
ciliations among themselves brought about. These precau-
tionary measures seemed, as if from a sense of the greater
security obtained by them, to add fresh vigour to his mental
powers,—it may be said to his physical powers also, for he
verified, "*Que l'art de la guerre est quelquefois dans les
jambes*," when for the purpose of saving Poonah from destruc-
tion he made a march of sixty miles in thirty-two hours!
Ahmednuggur, Assye and Argaum finished the war, and first
placed the name of Wellesley among those leaders whose
deeds are inscribed in the pages of history, where his name,
had his career then terminated, would have been even more
illustrious for traits of wisdom, honour, forbearance and jus-
tice, than even his victories. The following quotations are
given to corroborate our words:—

"Government have placed great confidence in me; and I should be sorry
to have anything happen which might have the appearance of a job, as that
would in one moment destroy the whole edifice."

The letter to Colonel Stevenson, recommending a plan of
operations, is so clear and masterly that we quote it as an ex-

ample of precision, style, prudence and forethought, very remarkable in so young a man :—

“ Camp at Phoolmurry, 12 Oct., 1803.

“ My dear Colonel,—I have reason to believe that the enemy have not come through the ghaut; and it is possible that they will now return to attack you with all the force they can bring.

“ Your first object will be to beat the campoos before the cavalry under Scindiah and the Rajah of Berar can join; or to drive them across the Taptee, and to such a distance, as that they cannot come back so quickly as to join with the cavalry in an attack upon you, before I can reinforce you. If, however, they should be able to join before you can attack the campoos, you must decide what line you will adopt. There are three lines of operation to be adopted; to attack the enemy, to stand his attack, or to draw off towards me.

“ In respect to the first, it is impossible to say what quantity of cannon they may have collected at Burhampoor, or what their real force may now be. I recommend that you should adopt this with caution, and only in case of necessity.

“ In respect to the second, it may possibly be worse than the first; as, unless you entrench your position, which I should recommend, if you adopt this line, your inferiority of cannon will tell against you still more than it would in the case of your attacking the enemy.

“ In regard to the third, it might be attended with risk, and even loss, excepting in this case. When I shall descend the ghaut, which I shall on the fourth, after leaving this, you might make two marches towards me, which would bring us within one march of each other. Till they are prepared for their attack, which, as they are very slow, will take some time, they will not stay nearer to you than at the distance of two marches; and supposing them to make two in one day, I shall have joined you before they can do you any mischief.

“ Supposing that you determine to have a brush with them, I recommend what follows to your consideration. Do not attack their position, because they always take up such as are confoundedly strong and difficult of access; for which the banks of the numerous rivers and nullahs afford them every facility. Do not remain in your own position, however strong it may be, or however well you may have entrenched it; but when you shall hear that they are on their march to attack you, secure your baggage and move out of your camp. You will find them in the common disorder of march, they will not have time to form, which, being but half-disciplined troops, is necessary for them. At all events you will have the advantage of making the attack on ground which they will not have chosen for the battle; a part of their troops only will be engaged; and it is possible that you will gain an easy victory. Indeed, according to this mode, you might choose the field of battle yourself some days before, and might meet them upon that very ground. There is another mode of avoiding an action, which is to keep constantly in motion; but unless you come towards me, that would not answer. For my part, I am of opinion, that after the beating they re-

ceived on the 23rd of September, they are not likely to stand for a second, and they will all retire with precipitation. But the natives of this country are rashness personified; and I acknowledge that I should not like to see again such a loss as I sustained on the 23rd of September, even if attended by such a gain. Therefore I suggest to you what occurs to me on the subject of the different modes, either of bringing on or declining the action, which it is possible, although by no means probable, that they intend to fight. I shall march the moment I hear that they have moved to the northward.

"I have many people out for intelligence. Your harcarrah, however, who brought the account that it was reported in their camp on the 7th that I had come this way, was premature, as I did not show any inclination to do so till the 9th."—*Vol. ii. p. 403.*

Advice to Colonel Murray, vol. iii. pp. 15, 16,—

"I have now only to recommend to your attention the discipline of the troops under your command, and a determined resistance to everything like an abuse in the service which can tend to subtract from the efficiency of the corps in the field."

Again, in the same letter, on abuses:—

"Upon this subject I have to observe, that there is a tendency in the service in this country to admit abuses beyond any other that I have met with. I cannot say whether this is to be attributed to former habits and example, or to the laxity which must always attend all distant establishments. But of this I am very certain, that it is the first duty of a commanding officer to resist everything of the kind in a most determined manner. The want of discipline among troops is very bad, and renders them useless; but the want of efficiency, which is the result of the application to private purposes or profit of the persons paid by the public as troops, is worse, as it may exist with a certain degree and appearance of discipline, and government may be misled by the notion that they have an army, whereas they have nothing but paper.

"The troops under your command are in a distant country, and they can come but seldom under the view or inspection of the Government; it is therefore particularly incumbent on you to take care that no practice or custom shall exist which may destroy their discipline or lessen their efficiency; and I beg leave to assure you, that without the most constant vigilance on your part, you will not be able to avert these evils."

The same courteous precision of immediately replying to letters, which existed in early life, still distinguishes his Grace.

To Lieut.-Colonel Gore, vol. iii. p. 54:—

"Accordingly, I shall be glad to hear from you whenever you may have leisure to write; and whatever may be the nature of my occupation at the time I shall receive your letters, you may depend upon it that they will not remain unanswered."

In the same letter, speaking of the appointment and

changes of officers, the following pithy remark occurs, on observing, that "Colonel Money Penny has always an eye to "get a good and useful officer into the 73rd; but I rely upon "you to be equally watchful and not to lose the services of "useful men, so long as you can keep them."

There is in vol. iii. page 33, an admirable letter to Lieut. Frisell, on the Peshwah, or first magistrate of the Mahratta empire, entering into arrangements for the settlement of the different provinces, replete with acuteness, and showing that he is neither to be overreached nor deluded into loose arrangements, which might have left many at the Peshwah's tender mercies; every concession is virtually made contingent on the performance of acts in accordance with humanity and justice. It may be regretted that we can only quote one paragraph of this admirable composition, in which a word can neither be added nor abstracted; a lawyer, with his verbosity and tautology, would not have drawn such a contingent agreement on less than a hundred sheets of foolscap.

"The Peshwah should be made to understand, that the British Government feel for the honour, the security, and the prosperity of his government, in the same manner as they do for that of the Company; that they are too strong to render it necessary that they should have recourse to intrigues to overturn his government, if they should wish it, which is by no means likely; and that, on the other hand, their strength will always protect him from the effects of the intrigues among his relations and subjects, which he had heretofore so much reason to apprehend."—*Vol. iii. p. 33.*

Discussing, with Colonel Murray, the treaty made with the Rajah of Lunawarra, the same noble feelings appear:

"In a transaction of this nature, however, the very foundations of which are the necessity of preserving the Company's faith, and the confidence of the enemy in the honour of the British government, it is necessary to proceed with caution in every instance. Accordingly, I wish you to let me know the particular agreement which you had made verbally with the Rajah of Lunawarra before you received my letter of the 26th of January. I still fear that Scindiah's ministers may object to the treaty, that it was not concluded till six weeks after they had signed the treaty of peace. However, if verbal arrangements were made, by which both parties were bound, it must answer the same purpose."—*Vol. iii. p. 108.*

To Mr. Scott Waring, the resident at Poonah, he writes in a similar mood on the Peshwah's disinclination to perform his promise and release the servants of Amrat Rao.

"When war is concluded, I am decidedly of opinion that all animosity

should be forgotten, and that all prisoners should be released; but property carried to account cannot be restored."—*Vol. iii. p. 135.*

There is a long, masterly dispatch to Major Malcolm in *vol. iii. p. 166*, on the retaining in our hands the fortress of Gwalior, which belonged to Scindiah, then a neutral chief, which, whether considered as a classical composition, or an analysis of treaties on which the acquisition of the fort and territory depended, has never been surpassed in ancient or modern times; the concluding paragraph of the part relating to the treaties concludes with this noble apostrophe:—

"In respect to the policy of the question, it is fully canvassed in the inclosed letter. I would sacrifice Gwalior, or every frontier in India, ten times over, in order to preserve our credit for scrupulous good faith, and the advantages and honour we gained by the late war and the peace; and we must not fritter them away in arguments drawn from the overstrained principles of the law of nations, which are not understood in this country. What brought me through many difficulties in the war, and the negotiations for peace? The British good faith, and nothing else."

His Highness the Peshwah gives his Grace interminable trouble, yet he is never found either to lose his temper, or to permit just indignation to prevent his excellent judgement from giving the best advice and taking the most efficient means, within his power, to settle that distracted country. In a long letter to Mr. Scott Waring, *vol. iii. page 185*, after saying, "I shall form such arrangements, as that thieves, who have taken refuge in the woods, shall be prevented committing further devastations," and boldly affirming, "That his Highness's ministers and favourites are the patrons and the sharers of the profits gained by the thieves in their plunder of those whose necessities obliged them to travel through the country," he adds, "but I never considered it a part of my duty to provide for the police of his Highness's territories," and then continues with this profound and humane policy, so caustically worded:—

"One of the resources which I recommended to his Highness's attention was to pardon those of his subjects who had offended him, and to return their houses and property as the first step towards tranquillity; because I conceive, that so long as his Highness detains in the hands of his government the property of a great proportion of his subjects, those subjects must plunder for their subsistence; and I see no means in the hands of his Highness's government to protect those who may be inclined to exert themselves to gain a subsistence by honest means."

Many anecdotes have been narrated of his Grace's secrecy: one of them, that he exclaimed, "If I thought my hair knew what my brain was thinking about, I would shave it off and wear a wig." In the following extract are the soundest maxims and advice on secrecy in public affairs, given to Colonel Wallace:—

"I believe that in my public despatches I have alluded to every point to which I would wish to draw your attention but one, which I will mention to you,—that is, the secrecy of all your proceedings.

"There is nothing more certain than that, of one hundred affairs, ninety-nine might be posted up at the market-cross without injury to the public interests; but the misfortune is, that where the public business is the subject of general conversation, and is not kept secret, as a matter of course, upon every occasion, it is very difficult to keep it secret upon that occasion on which it is necessary. There is an awkwardness in a secret which enables discerning men (of which description there are always plenty in an army) invariably to find it out: and it may be depended upon, that whenever the public business ought to be kept secret, it always suffers when it is exposed to public view.

"For this reason secrecy is always best; and those who have been long trusted with the conduct of public affairs are in the habit of never making known public business that it is not necessary the public should know. The consequence is, that secrecy becomes natural to them, and as much a habit as it is to others to talk of public matters; and they have it in their power to keep things secret or not, as they may think proper.

"I mention this subject to you, because, in fact, I have been the means of throwing the public affairs into your hands, and I am anxious that you should conduct them as you ought. This is a matter which would never occur to you, but it is essentially necessary."

Two long and important despatches, one on Colonel Monson's retreat, the other to Colonel Murray, containing the results of his experience in Mahrattah warfare, vol. iii. pages 456 and 463, are only omitted for want of room. The extraordinary topographical knowledge displayed in the letter to Colonel Wallace on Colonel Monson, excites surprise and admiration, and some wonder at the sources in such a country which could afford the knowledge: the other, on the method of conducting war against the Mahrattas, is so perfect, that to give a mere extract would be as wicked as splitting a diamond with a thousand facets. Those who desire information on such subjects are strenuously recommended to consult the original. One sentence will be sufficient to

convey to the general reader the clear and comprehensive view taken by his Grace of the subject:—

“There are two modes in which the Mahrattas carry on their operations. They operate upon supplies by means of their cavalry; and after they have created a distress in the enemies’ camp, which obliges the army to commence a retreat, they press upon it with all their infantry and their powerful artillery. Their opponent, being pressed for provisions, is obliged to hurry his march, and they have no fear of being attacked. They follow him with their cavalry in his marches, and surround and attack him with their infantry when he halts, and he can scarcely escape from them.

“That, therefore, which I consider absolutely necessary in an operation against a Mahratta power, (indeed, in any military operation in India,) is such a quantity of provisions in your camp as will enable you to command your own movements and to be independent of your magazines, at least for the length of time which may be necessary to fulfil the object for which you may be employed.”—*Vol. iii. p. 463.*

If all men, whether in command or in private life, were to defend and uphold the injured in the same definite, unshrinking manner as his Grace did Major Macaulay, less would be said on the want of true friendship among men. The following paragraph is so perfect in style, so high in sentiment, so true in manly and gentlemanly feeling, that the reader feels that the writer of it must be a man who could not do a base thing in zeal for a friend, lest it should burn the golden thread that tied their hearts together, and convert a friendship into a conspiracy; but one who, in the hour of adversity, would, if convinced of his intended rectitude, brave all opinions to comfort and support him:—

“I do not recollect whether anything was done respecting Major Macaulay. There is not a doubt but that the mode in which he brought forward his proposition regarding the tobacco was unguarded. But Major Macaulay is an honest and deserving servant of the public; one who, I know, is attached personally to the Governor-General, and to the good principles of government in India, and it is evident that he has felt the censure which he has received. The explanation which he has given of his conduct is satisfactory, and there is nothing against him, excepting that he did not at first sufficiently explain the transaction which he brought under the view of the Governor-General. That being the case, he no longer deserves the censure of the government; and it is certain, that these censures never fail to damp the zeal and cool the attachment of the public servants of the government; and as the attachment of a man such as Macaulay must be of use, I most anxiously recommend that some measure may be adopted to soothe his feelings. In fact, if it be true that Macaulay did not deserve the censure, and received it only because he

made an erroneous or imperfect statement of a transaction in which he had been concerned, which I believe to be the case, to recall or cancel the censure is only a matter of justice."—*Vol. iii. p. 547.*

The portion of the Despatches devoted to the Indian civil and military duties still demand of us a few more quotations, that the character of this great man may be fully understood before we commence the part which relates to the European war. The farewell letter to the Purneah, Dewan (chief minister of finance, &c.) of the Rajah of Mysore, while it concentrates most of the principles of his character, makes known a trait to which words can add no value, but is worthy of being inscribed on his tomb. Let the reader peruse the subjoined letter, and he will learn the fact which is alluded to:—

"To Purneah, Dewan of the Rajah of Mysore.

"Fort St. George, 2nd March, 1805.

"Lieutenant-Colonel Malcolm will have informed you, that affairs having begun to have a more settled appearance in the Deccan, I have obtained permission to go to England, and I shall commence my voyage in a few days.

"I part with you with the greatest regret, and I shall ever continue to feel the most lively interest for the honour and prosperity of the Rajah of Mysore over which you preside.

"For six years I have been concerned in the Mysore government, and I have contemplated with the greatest satisfaction its increasing prosperity under your administration.

"Experience has proved the wisdom of the arrangement which was first made of the government of Mysore; and I am convinced, that under no other management would it have been possible for the British government to derive such advantages from the country which you have governed, as I have enjoyed in the various difficulties with which we have contended since your authority was established.

"Every principle of gratitude, therefore, for many acts of personal kindness to myself, and a strong sense of the public benefits which have been derived from your administration, render me anxious for its continuance and for its increasing prosperity; and in every situation in which I may be placed, you may depend upon it, that I shall not fail to bear testimony of my sense of your merits upon every occasion that may offer, and that I shall suffer no opportunity to pass by which I may think favourable for rendering you service.

"Upon the occasion of taking my leave of you, I must take the liberty to recommend to you to persevere in the laudable path which you have hitherto followed. Let the prosperity of the country be your great object; protect the ryots and traders; and allow no man, whether vested with authority or otherwise, to oppress them with impunity; do justice to every man; and attend to the wholesome advice which will be given to you by

the British resident; and you may depend upon it, that your government will be as prosperous and as permanent as I wish it to be.

"I recommend to your constant favour and protection Bistnapah Pundit, Govind Rao, Ragonaut Rao, Ranary, and all the Sirdars and troops who served meritoriously with me in the last war; and Sheshiah and the hircarrahs belonging to you who accompanied me. They are all deserving of your favour.

"You know, that for some years I have had under my protection Salabut Khan, the supposed or adopted son of Doondiah Waugh. I have given him a sum of money, and placed him under the guardianship of the court of Seringapatam, and I request you to take him into the Rajah's service hereafter, if you should find him to be worthy of your favour. As a testimony of my sense of the benefits which the public have derived from your administration, of my sincere regard, and of my gratitude for many acts of personal kindness and attention, I request your acceptance of my picture, which will be sent to you from Bengal."

Throughout the various quotations we have made, the attentive reader cannot have failed to observe the perfect gentlemanly feeling which pervades every sentence, and those feelings expressed with a simplicity and straightforwardness which is one of the distinguishing characteristics of a true English gentleman,—the highest designation which can be given, since it comprises all that we call good and great. What he practised, on fitting occasions, he inculcated; as when acknowledging the letter he received from his regiment on leaving India, thanking him for "*the very friendly and paternal* attention he ever paid to the interests of the corps," he concludes his answer thus:

"I have only to recommend to them to adhere to the system of discipline, subordination, and interior economy, which they have found established in the regiment; and above all, to cherish and encourage among themselves the spirit of gentlemen and of soldiers."

In the general orders on his departure for England, the same precept is thus enforced:

"He earnestly recommends to the officers of the army, never to lose sight of the great principles of the military service, to preserve the discipline of the troops, and to encourage, in their respective corps, the *spirit and sentiments of gentlemen and soldiers*, as the most certain road to the achievement of everything that is great in their profession."

Before terminating this portion of the subject, it is gratifying to be able to add a hitherto unpublished letter on an attempt to bribe the Duke of Wellington, while in his command at Seringapatam. We suppress the name, as the writer

has long since passed from this existence; moreover, the knowledge of it would be of no importance, since the introduction of the letter is merely to exemplify the character of the Duke under every public aspect:—

“Seringapatam, 20th January, 1803.

“SIR,—I have had the honour of receiving your letter of the 15th this day, and lose no time in replying to part of it.

“You inform me that the Rajah or Desaiye of Kittoor has expressed a wish to be taken under the protection of the British government, and has offered to pay a tribute to the Company and to give you a bribe of four thousand pagodas, and me one of ten thousand pagodas, provided this point is arranged according to his wishes.

“I cannot conceive what can have induced the Rajah of Kittoor to imagine that I was capable of receiving that or any other sum of money as an inducement to do that which he must think improper, or he would not have offered it. But I shall advert to that point more particularly presently.

“The Rajah of Kittoor is a tributary of the Mahratta government, the head of which is an ally by treaty of the Honourable Company. It would be therefore to the full as proper, that any officer in command of a post within the Company's territories should listen to, and enter into a plan for seizing part of the Mahratta territories, as it is for you to listen to and encourage an offer from the Rajah of Kittoor to accept the protection of and transfer his allegiance and tribute to the Honourable Company's government. In case you should hear anything further upon this subject from the Rajah of Kittoor, or in future from any of the chiefs of the Mahrattas on the frontier, I desire that you will tell them what is the fact, that you have no authority whatever to listen to such proposals, that you have orders only to keep up with them the usual intercourse of civility and friendship, and that if they have any proposals of that kind to make, they must be made in a proper manner to our superiors. You may, at the same time, inform them, that you have my authority to say, that the British government is very little likely to take advantage of the misfortunes of its ally, to deprive him either of his territories, or of the allegiance or tribute due to him by his tributaries.

“In respect to the bribe offered to you and myself, I am surprised, that any man in the character of a British officer should not have given the Rajah to understand that the offer would be considered as an insult, and that he should not rather have forbidden its renewal, than that he should have encouraged it, and even offered to receive a quarter of the sum proposed to be given to him for prompt payment. I can attribute your conduct, on this occasion, to nothing excepting the most inconsiderate indiscretion, and to a desire to benefit yourself, which got the better of your prudence. I desire, however, that you will refrain from the subject with the Rajah of Kittoor at all; and that if he should renew it you will inform him, that I and all British officers consider such offers as insults on the part of those by whom they are made.

" You shall hear from me tomorrow regarding the store establishment at Huddell.

" The battalion under your command is not destined for field-service at present.

" ARTHUR WELLESLEY, K.G."

It was observed in a former page, that there existed a necessity for men destined to command the active operations of great events, to be trained to their work. From the time that the Duke of Wellington commenced his military career, only one campaign occurred in Europe in which his duties could be learnt; in that his Grace served with distinction, and had culled into action many of those latent qualities which were afterwards brought into constant practice, and produced corresponding results. From the period of the return of the army from the disastrous retreat through Holland, to the year of his Grace's return from India, but one opportunity had occurred in which an officer could have learnt the highest duties of his profession, duties requisite to be known by the man who was to command the armies by which the destinies of Europe—perhaps of the world—were to be decided.

The expeditions under General Sir Ralph Abercrombie in the West Indies afforded no such scope; the descent at Ostend, under Sir Eyre Coote and Captain Sir Home Popham, was of still shorter duration, and offered no field for even the slightest strategy; the insurrections in Ireland were of a similar character,—the expedition to the Helder equally unproductive; the operations at Alexandria were on too contracted a scale to afford that lengthened task which deserves the name of training;—so India was the only field suited for the purpose, and thither he went, though ordered to another hemisphere. His wish to cross the desert and be united to the Egyptian expedition was frustrated by supersession and illness *after he had prepared it for the march*; as it arrived too late to co-operate until *after* the battle of Alexandria, all the useful knowledge to be gained by him from that expedition was to be drawn from the equipment and preparation.

The reflecting man who believes that the great events of the world are not the results of what we (incorrectly) term chance, must be willing to admit, that such simple facts as have been stated suspend the judgement, and call forcibly to

the mind, that the ways of Providence are to us dark and apparently intricate, but in truth the very best, that could have been devised to lead with certainty to the intended end.

Eight years of unceasing training in working against and unravelling the most tortuous diplomacy, in command and civil government, in active operations in the field, in equipping and organizing armies, in arranging the systems for the commissariat, and every detail, from the building of bridges to the selection of leather for the shoes of his soldiers, and to directing the number of miles sheep could be driven for the food of his men, without wearing away their feet; nothing was too high or too complicated, no detail, however apparently homely or trifling, was deemed unimportant; they were the preparations necessary for fulfilling his future career, and comprised the highest occupations of the mind in the performance of the greatest active duties. With that experience this leader returned (Sept. 1805) to England, with a reputation for possessing great abilities in war and civil diplomacy, with the esteem and reverence of the nations he had ruled over, and the confidence and admiration of the armies he had led to victory. Such a man could not be left in obscurity—no military expedition could have been devised without his being a constituent part of it. But the narrow prejudices of the day, combined with ignorance and its constant attendant, conceit, led George III., the Horse-Guards and the Administration to think disparagingly of military experience earned at Seringapatam, in running down Doondiah, carrying to a successful issue the Mahrattah war, or even the battle of Assye;—in their estimation no man could be an efficient general, who had not been trained in the Prussian School, and become enamoured of pig-tails, tight stocks and a system of tactics of which young Napoleon had proved the futility in many a dreadful field. His Grace was spoken of in these anile coteries, as “a general perhaps well fitted for India, “but who, here, would require some one to take care of him “yet awhile.” Among the chief of those profound critics was that renowned military person the hero of Walcheren, the Earl of Chatham, a soldier who thought that dreaming, awake or asleep, of what he desired to accomplish, was equivalent to actively carrying his views into operation. It will be shewn

presently, that this prejudice was carried to an insulting height, and called from the Duke as severe a rebuke as was ever given by a subject to a monarch, without the expression of a single word, or the inditing a single line.

About the period of his Grace's return to England, the hopes of the continent may be said to have been lowest. Austria had been induced to commence hostilities prematurely against France before the Russian armies had arrived to support her, while Prussia with short-sighted selfishness remained neuter, only to fall an easier and more disgraceful conquest. The victory of Austerlitz, the treaty of Presburg and the occupation of Vienna left Napoleon the arbiter of continental Europe. Trafalgar, it is true, throw a halo of glory round Great Britain, which like a belt of impassable fire, seemed to say, the sea on which that glory rests is the line of demarcation which you cannot pass. Maida proved that only good command and opportunity were wanting to place again the infantry of England in the highest class of European soldiers.

The administration of our public affairs was weak and vacillating. The death of Pitt brought into ephemeral existence a cabinet to which the *sobriquet* of 'visionaries' might have been justly applied. The death of Fox broke the great chain of party coalition, and permitted the Portland ministry to get a firmer hold of place, while the germs of distrust of the integrity of all political factions were springing into life among the people. The events on the continent, the various attempts of Napoleon to place his will, founded in consummate ignorance, against the individual and collective interests of the world, by attempting to enforce his *continental system*, which was little better than a gasconading crusade against the demand for labour among mankind,—were politically too difficult for such a cabinet to meet, oppose and confound; their acts were marked by isolated measures, useless expeditions and expenditure, and a distracted system of policy. It was clear that continental Europe could not long remain thus humbled, and the people virtually prevented from exercising their ingenuity or industry.

Among the measures adopted by the cabinet, were an expedition to Hanover, which returned, and an attack on Copenhagen, followed by the destruction of the city, and the capture

of her navy, on the plea that it would otherwise fall into the hands of France. If it had been given up to that power, any seaman will admit that the naval armament which constituted one part of that expedition, was more than sufficient to have annihilated it, without stamping an indelible blot on the history of our country by a flagrant act of aggression. His Grace the Duke of Wellington accompanied both those expeditions; in the former he commanded a brigade, in the latter the reserve; and received the thanks of Parliament for his services, in which his victories and conduct in India were alluded to. We wish this compliment had been paid in a better cause.

On his Grace's return from Hanover he was appointed to a brigade of infantry stationed at Hastings, in the Sussex district, "to the discipline, manœuvring, and minute details of which he paid the most scrupulous attention." Colonel Gurwood mentions in a note, vol. iv. p. 2, that

"an intimate friend having remarked in familiar terms to Sir Arthur Wellesley, when at Hastings, how he, having commanded armies of 40,000 men in the field, having received the thanks of Parliament for his victories, and having been made Knight of the Bath, could submit to be reduced to the command of a brigade of infantry? 'For this plain reason,' was the answer,—'I am *nimmukwallah*, as we say in the East; that is, I have ate of the king's salt, and, therefore, I consider it my duty to serve with unhesitating zeal and cheerfulness, when or wherever the king or his government may think proper to employ me.'"

In his place in parliament (for the borough of Rye) he repelled the unworthy attacks made upon the Marquis of Wellesley's government of India. In 1807, his Grace the Duke of Richmond being appointed viceroy of Ireland, nominated him chief secretary, which as a consequence introduced him into the privy council.

On the 14th of June, 1808, his Grace was ordered to take the chief command of an armament assembling at Cork, which sailed on the 12th of July for the coast of Spain, and landed on the 1st of August at Lavanos in Portugal, at the mouth of the river Mondego. He had scarcely lost sight of Cape Clear before he was superseded and deprived of the chief command. He was either fit to retain it, or not fit to have been appointed to it. If the former, thus to deprive him of his post was unjust and imbecile; if the latter, the govern-

ment were reprehensible in having selected and appointed him. The utter ignorance of that cabinet and the Horse-Guards of all great military operations is the best excuse for such contemptible and puerile proceedings. In a letter from Lord Castlereagh, 30th June, 1808, vol. iv. p. 18, which constitutes his instructions, are these words:—

“ You will act (to the Spanish and Portuguese people) with the utmost liberality and confidence, upon the principle that His Majesty’s endeavours are to be directed to aid the people of Spain and Portugal, in restoring and maintaining against France the independence and integrity of their respective monarchies. In the rapid succession in which events must be expected to follow each other, situated as Spain and Portugal now are, much must be left to your judgement and decision on the spot. His Majesty is graciously pleased to confide to you the fullest discretion to act according to circumstances for the benefit of his service; and you may rely on your measures being favourably interpreted, and receiving the most cordial support.”

The supersession of an officer, without any reason, after such deliberate instructions from the government, seems very little short of insanity.

As Colonel Gurwood states, that the force assembled at Cork *was supposed* to be intended to proceed to some of the Spanish colonies of South America, in order to frustrate any views France might have relating to them, we are here induced, without inquiring if that report were a mere *ruse de guerre*, to mention as an instance of his Grace’s sagacity, that he had given detailed opinions to men high in power on the countenance to be given to the South American colonies in their separation from the mother-country. His Grace was of opinion, that those colonies were not sufficiently advanced to form consolidated governments; that the North American States had been accustomed to the institutions of a free government, and consequently knew how to form their republic and federal union, while the South American States had lived under a despotic government, and were unacquainted with either the principles or practices of civil and religious liberty; that they consisted of a strange mixture of peoples, from the haughty grandee of Spain, prejudiced and bigoted, to the half-bred savage, ignorant, fierce and superstitious; that such discordant elements would not coalesce, being not *sufficiently advanced in civilization*, but soon fall into civil

anarchy, and suffer its consequent degradation ; while England could reap no mercantile advantage, as such a state diminished security of life and property, which must injure all commercial relations ; and that any interference on our part to promote the *premature* separation from Spain would fix on us a heavy responsibility. The only observation necessary to be made on this subject is, that about this time a mania commenced in England, for cramming constitutions down the throats of other nations, with the same good intentions, and with equal wisdom, as induced the Brobdignag Monkey to cram poor Gulliver. Most of them rejected the premature dose, particularly (some time after) Sicily, where the parliament met, and the first night discussed the subjects brought before them with calmness ; at the second meeting the discussions became animated, and the interruptions of the speakers numerous ; at the third meeting the discussions became disputes and ended in a general fight, in which the numerous combatants were all opposed to one another, and fought with a general fury never exceeded in the county of Tipperary. Being weary, the combat ceased, and the senatorial gladiators, with bloody noses, black eyes, bruises and diminished locks, returned to their seats, and *unanimously* voted that such a constitution as the English had sent them was only fit for *blackguards*, that they rejected it, and would have a *gentlemanly* despotism.

We must now return and add a few words on the supersession of his Grace, as Commander-in-Chief, by Sir Hew Dalrymple ; Sir H. Burrard, second in command ; Sir John Moore, Mackenzie Fraser, Lord Paget, &c. Not one word of murmur is stated to have escaped him, and he wrote as follows to Lord Castlereagh :—

“ H.M.S. Donegal, 1st of August, 1808.

“ Pole and Burghersh have apprised me of the arrangements for the future command of this army ; and the former has informed me of your kindness towards me, of which I have experienced so many instances, that I can never doubt it in any case. All that I can say upon that subject is, that whether I am to command the army or not, or am to quit it, I shall do my best to secure its success ; and you may depend upon it, I shall not hurry the operations, or commence them one moment sooner than they ought to be commenced, in order that I may acquire the credit of the success.”

Very fortunately for his Grace, the actual supersession did not take place for five weeks after, so that he superintended the disembarkation of the army, which occupied from the 1st to the 5th of August in Mondego Bay. On the 14th the affair of the advanced post at Rolica opened the campaign, which his Grace designates as "unpleasant because it was quite useless; and was occasioned contrary to orders solely by the imprudence of the officer, and the dash and eagerness of the men." This disobedience and imprudence cost the army a loss of 479 men, killed, wounded and missing, — a very serious act, and deserving much more severe reprobation than the word 'unpleasant' conveys. It was perhaps useful as a preparation for the battle of Vimeiro, fought six days after. That victory was complete, and his Grace tells Lord Castlereagh that "It was impossible for troops to be — have better than ours did; we only wanted a few hundred more cavalry to annihilate the French army," as Sir Harry Burrard did not land till late in the day. Whatever results might have been gained by this victory over Junot, they were lost by the want of knowledge, vigour and decision of the officer who superseded his Grace, and which was fully proved at the Court of Inquiry on the Convention, though it might have been politically necessary not to condemn Sir H. Dalrymple publicly.

That fact is also made evident by the following paragraph extracted from a letter to his Royal Highness the Duke of York, dated the day after the battle:—

"I cannot say too much in favour of the troops; their gallantry and their discipline were equally conspicuous; and I must add that this is the only action that I have ever been in, in which every thing passed as it was directed, and no mistake was made by any of the officers charged with its conduct. I think if General Hill's brigade and the advanced guard had moved upon Torres Vedras as soon as it was certain that the enemy's right had been defeated by our left, and our left had pursued their advantage, the enemy would have been cut off from Torres Vedras, and we should have been at Lisbon before him; if, indeed, any French army had remained in Portugal. But Sir Harry Burrard, who was at this time upon the ground, still thought it advisable not to move from Vimeiro; and the enemy made good their retreat to Torres Vedras."—*Vol. iv. p. 113.*

To Charles Stuart, Esq., his Grace writes,

"and if I had not been prevented, I should have pursued the enemy to Torres Vedras on that evening, and, in all probability, the whole would have been destroyed."

Sir Harry Burrard having come to an anchor after his voyage, seemed inclined to moor where he was, and let the beaten enemy go where they pleased to recover their losses; the following account of this attack of paralysis, given by his Grace to Lord Castlereagh, is perfect:—

"Sir Harry did not land till late in the day in the midst of the attack, and he desired me to continue my own operations; and as far as I am personally concerned in the action, I was amply rewarded for any disappointment I might have felt in not having had an opportunity of bringing the service to a close, by the satisfaction expressed by the army, that the second and more important victory had been gained by their old General. I have also the pleasure to add that it has had more effect than all the arguments I could use to induce the General to move on, and I believe he will march to-morrow. Indeed if he does not, we shall be poisoned here by the stench of the dead and wounded; or we shall starve, every thing in the neighbourhood being already eaten up."—*Vol. iv. p. 115.*

The Indian General, who had been superseded, had now measured his strength with one of Napoleon's favourite generals, and thus given unquestionable proof, that it was by no means necessary he should be sent to a Prussian school; without that tuition he afterwards proved himself to be superior in strategy and in action to Soult, Victor, Mortier, Ney, Massena, Marmont, Jourdan, Regnier, Sebastiani, Clausel, and many others, and lastly their Imperial Master,—without ever having been instructed in the stock and pigtail tactics of that school, whose generals from first to last were licked by the same generals who were beaten by the Duke of Wellington.

The Convention of Cintra followed, of which we shall presently speak. On the 19th of September, a short month after the victory of Vimeiro, his Grace sailed on leave for England, and reached London early in October. It is difficult to conceive, that contemptible party-politicians, in the lowest stage of morbid imbecility, should have declared that "a victim was necessary to appease the irritated feelings of the nation," and actually selected the victor of Assaye and Vimeiro as that victim! The government he had served so truly and so nobly feared to defend him, and he was left to be offered up:—they little knew the high and dauntless nature of their intended quarry, and were soon after made to feel as the foolish and the malignant should feel. The persecution was supported by the highest personages in the kingdom. His Grace was neg-

lected by the Regent, who had never spoken to him since his return from Portugal. If his Royal Highness forgot his duty, the Duke of Wellington did not omit what was due to his Prince, and paid his respects by writing his name in the visitors' book, even after the marked neglect. It was subsequently hinted to him, that his presence would not be required at Court. His Grace gave no reply, but went to the very next levee, and paid his duty to his sovereign, who, we are told by an eye-witness, showed no gracious gladness at seeing his victorious general there, and that many a courtier kept his eyes averted. As an English gentleman, he did not choose to be virtually dictated to and tacitly insulted by the acid and fermenting dregs of an imbecile party-faction, who only altered their note when the overwhelming splendour of his victories drowned their inane and spiteful nonsense in one flood of glory.

The result of the inquiry relative to the Convention of Cintra is too well known to require any comment. The masterly paper read by his Grace was, we are credibly informed, prepared by him in one night. It is remarkable for its perspicuity and circumspect adherence to the main points, leaving the opinions of the effect of not following up the victory of Vimeiro to be elicited from him by questions. The simple truth appears to be, that the paralytic determination of Sir Harry Burrard not to follow up the victory, made a convention the next best consequence; as it was better to get the French to evacuate Portugal, one of the main objects of our military aid, than to beat them out with the loss of men and treasure. It is clear that we might have dictated the terms of the Convention, and that we should have done so there can be no doubt, had his Grace been left to negotiate; but he was only called on to sign a Convention which was never ratified,—the language of which was afterwards modified without his knowledge. His signature was attached "by his Excellency's desire. 'But,' his Grace "adds in his letter to Lord Castlereagh, 'I could not consider myself responsible, in any degree, for the terms in "which it was framed, or for any of its provisions.'" Although his Grace might not have been responsible in the strictest sense, it must be remarked, that on the 23rd of Au-

gust his Grace handed to Sir Hew Dalrymple an astute memorandum for the use of Lieut.-Colonel Murray, who was charged with the negotiation for the Convention, which rendered him an accessory on, certainly, a conviction of its utility in principle. His Majesty disapproved, notwithstanding the report of the Court of Inquiry, of the terms of the Convention, thus virtually censuring Sir Hew Dalrymple and those who actually concurred with that officer in drawing them up.

The French army, under General Junot, were embarked in English vessels, and landed at La Rochelle on October the 8th:—

“The British army being thus left disposable, the greater part of it was detached into Castile under the command of Lieut.-General Sir John Moore, and was joined on the Duero in December by an additional force from England, and which landed at Coruña. In the month of November, the French armies having been greatly reinforced, and the Spaniards having been successively defeated at Tudela and in other battles, the city of Madrid fell again into the hands of the enemy. Buonaparte, who had arrived to superintend in person the operations in Spain, directed, in the month of December, a combined movement of several corps, under the command of Marshal Soult, against the army under Sir John Moore, which consequently retreated into Galicia, and a battle took place on the 16th of January, 1809, at Coruña, where Sir John Moore was killed in the hour of victory. In the meantime, Lieut.-General Sir J. Craddock had been appointed to the command of the British troops remaining in Portugal; and that country, after the battle of Coruña, again became the seat of military operations, Marshal Soult having invaded its northern provinces from Galicia, and taken possession of Oporto on the 29th of March 1809. Lisbon was consequently thrown into alarm; and the Regency, having urgently implored the aid and protection of the British nation, reinforcements were directed to be embarked.”

His Grace resigned his seat in Parliament and the secretaryship for Ireland, and again assumed the command of our forces in Portugal.

His Grace arrived at Lisbon on the 22nd of April, and immediately wrote, on the following day, to Sir John Craddock, Marshal Beresford and Mr. Frere. Previous to his leaving England he had drawn up a “Memorandum on the Defence of Portugal,” which will be found in vol. iv. page 261, and is one of the many examples of close reasoning, and the adaptation of proper means to intended ends, with which these extraordinary volumes really teem. The

letter to Mr. Frere (our ambassador to the court of Spain) is of a more guarded character than to others holding high posts, and looks as if his Grace had seen through the fustian reports and notions of that patriotic, learned, but remarkably credulous and puzzle-headed person. As his Grace's letter to Sir John Craddock contains matter of similar character, but less detailed, we prefer extracting it to the longer one, more particularly as the subject is purely military:—

“Lisbon, 23rd of April, 1808.

“My Dear Craddock,—Mr. Villiers will have informed you of my arrival here yesterday, and of the concurrence of my opinion with that which you appear to entertain in respect to the further movement to the northward.

“I conclude you will have determined to halt the army at Leyria. I think that before any farther steps are taken with regard to Soult, it would be desirable to consult the situation of Victor, how far he is enabled to make an attack upon Portugal, and the means of defence of the eastern frontier, while the British army shall be to the northward, and eventually the means of the defence of Lisbon and the Tagus, in case this attack should be made upon this country. All these subjects must have been considered by you, and I fear in no very satisfactory point of view, as you appear to have moved to the northward unwillingly; and I should be glad to talk them over with you, in order to be able to consider some of them, and make various arrangements which can be made only here. I have asked Beresford also to come, if he should not deem his absence from the Portuguese troops, in their present state, likely to be disadvantageous to the Portuguese service, and I have desired him to let you know whether he will come or not. It might possibly also be more agreeable and convenient to you to see me here than with the army, and should this be the case, it would be a most desirable arrangement to meet you here: I beg, however, that you will consider this proposition only in a view to your own convenience and wishes. If you should come down, I should be much obliged to you if you would bring with you the adjutant and quartermaster-general, the chief engineer, the commanding officer of artillery, and the commissary-general.”—*Vol. iv. p. 266.*

The *mistrust* of his Grace peeps out in the concluding paragraph of this letter, and the result proved, that in one instance at least it was not misplaced. On his being assured, that if he wished to move to the northward, the provisions, &c. &c. for the men were all ready in advance for so many days, he asked the Commissary-General, if he had the receipts from the officers of his department for those provisions.—“Oh, no, Sir, but I have given orders for the whole!” —“Orders for the whole—orders for provisions for an army

"never fed the troops yet, and never will. Pray, Sir, see those orders promptly obeyed, and *bring me the receipts.*"

No sooner had he re-assumed the command, than the apparent indecision of the line of operations ceased, and a series of strategic movements, preliminary to attacking Marshal Soult, were carried on, during which some stirring and interesting occurrences took place.

His Grace's letter of instructions to Major-General Mackenzie is worthy of the attention of every military man, and shows a knowledge of the topography of the country and the military value of the various posts, with a clearness and precision which excites our wonder. Previous to the celebrated passage of the Douro and the fall of Oporto, his Grace held conferences with disaffected officers of the enemy, who made known to him the growing dissatisfaction of the French troops in the field, and of the country, at the nature of the Spanish invasion, and the misery inflicted by the conscription; the principal information was the known intention of Soult to declare himself king of Portugal. The extreme caution of his Grace is exhibited in his conferences with these disaffected officers, while he said not one word to deter them from their intention of seizing Soult, and setting an example to the army to commence the overthrow of the imperial dynasty. One declaration of his Grace to them is characteristic, that he would on no account sanction, far less propose as a *ruse de guerre*, any Portuguese inviting Soult to assume the title of King of Portugal, to induce him, by such means, to declare his known intention, as it would destroy the confidence of the Portuguese hitherto shown towards him.

It does not appear that the strategic movements of Marshal Soult were marked by talent or even great energy in opposing the passage of the Douro and holding Oporto. His Grace, in a letter to H. R. H. the Duke of York, thus refers to the fact:—

"It is impossible to say what induced Soult to be so careless about the boats on the river, particularly near Oporto; or to allow us to land at all at a point so interesting to him as that which we occupied. I rather believe we were too quick for him, and that he had not time to secure the boats on all the points necessary to protect the retreat of his corps."—*Vol. iv. p. 331.*

To Viscount Castlereagh his Grace says,—

"The enemy took no notice of our collection of boats, or of the embarkation of the troops, till after the first battalion (the Buffs) were landed, and had taken up their position, under the command of Lieutenant-General Paget, on the opposite side of the river. They then commenced an attack upon them, with a large body of cavalry, infantry and artillery, under the command of Marshal Soult, which that corps most gallantly sustained, till supported successively by the 48th and 66th regiments belonging to Major-General Hill's brigade, and a Portuguese battalion, and afterwards by the first battalion of detachments belonging to Brigadier-General Stewart's brigade."—*Ibid.* iv. p. 324.

We read of mighty feats of ancient days; but as a matter of fact, we cannot call to memory anything, in point of exertion, which competes with the following, contained in the same letter:—

"I cannot say too much in favour of the officers and troops. They have marched in four days over eighty miles of most difficult country, have gained many important positions, and have engaged and defeated three different bodies of the enemies' troops."

Oporto was evacuated by Soult and taken possession of by his Grace, whose first act was one of humanity towards his beaten foes, and of care for the honour of the Portuguese, in the subjoined beautiful proclamation:—

"Inhabitants of Oporto! The French troops having been expelled by the superior gallantry and discipline of the army under my command, I call upon the inhabitants of Oporto to be merciful to the wounded prisoners. By the laws of war they are entitled to my protection, which I am determined to afford them, and it will be worthy of the generosity and bravery of the Portuguese nation not to revenge the injuries which have been done to them on those unfortunate persons, who can only be considered as instruments in the hands of the more powerful, who are still in arms against us. I therefore call upon the inhabitants of this town to remain peaceably in their dwellings; I forbid all persons, not military, to appear in the streets with arms; and I give notice, that I shall consider any person who shall injure any of the wounded or of the prisoners, as guilty of a breach of my orders."

The defeat of Soult was so complete, that his Grace, writing to Mr. Villiers, says,—

"He has lost everything, cannon, ammunition, baggage, military chest, and his retreat is, in every respect, even in weather, a *pendant* for the retreat to Coruña. If I do not overtake him or intercept him, I shall at least have forced him into Galicia, in a state so crippled that he can do no harm; and he may be destroyed by Romana, if he has any force at all."—*Ibid.* iv. p. 341.

To land, to resume command, to plan, arrange, order, direct, march, fight continually, cross a great river, capture an important town, gain a great victory, pursue a flying and routed army, and clear a kingdom of invaders in three weeks,—to correspond, at the same time, with princes, commanders-in-chief, ministers at home and abroad, generals of division, commissaries, financiers, admirals, captains and private friends, exceeds belief; and unless the documents were incontestable, the facts historical, it would require the greatest credulity to suppose it anything but romance. Yet in the performance there is not the slightest appearance of hesitation or hurry: the whole—and to judge of what it actually consisted, the portion of the fourth volume detailing the operations must be read—seems to have gone on with the velocity and certainty of an immense piece of machinery.

Every step now increases in interest and complexity; but the various difficulties, obstacles, annoyances, disappointments, delays, must be touched on to exemplify the character of the great hero of these extraordinary memoirs, who, amidst a Marlestrom of distracting annoyances, great and small, never loses either his coolness of head, his decision, or the clear progress of his preconceived line of operations, merely varied in accordance with temporary occurrences. We are not panegyrists of either the leader or his soldiers; and as we look on war as a curse of God, so will we ever hold its horrors up to execration. No commander was ever more prompt to conquer and to save than the Duke of Wellington; no one ever attempted more strenuously to confine all actual warfare to those operations on which the results of the war depended; no man was ever more strict in restraining plunder and violence; and yet even he was unable to stop it entirely, and often breaks out with indignant bitterness at the barbarism both of the enemy and of his own troops. It must be remembered, that the French were invaders and aggressors—our army allies of the invaded and oppressed. The atrocities of invaders have been, and as long as the accursed game continues will be, little better than the riot of devils incarnate; but so epidemic is the reckless ferocity, that for the sake of placing one of the prominent and ruthless diseases of armies in bold relief, we shall quote his Grace's account of the atrocious

conduct of the French in juxtaposition with similar accounts of his own army. Writing, on the retreat of Soult, to Viscount Castlereagh, his Grace's words are,—

"Their soldiers have murdered and plundered the peasantry at their pleasure; and I have seen many persons hanging in the trees by the sides of the road, executed for no reason I could learn, excepting that they have not been friendly to the French invasion and usurpation of the government of their country; and the route of their column, on their retreat, could be traced by the smoke of the villages to which they set fire."—*Fol. iv, p. 344.*

In the same month his Grace thus describes to Mr. Villiers the conduct of his own soldiers:

"I have long been of opinion, that a British army could bear neither success nor failure, and I have had manifest proofs of the truth of this opinion in the first of its branches in the recent conduct of the soldiers of this army. They have plundered the country most terribly, which has given me the greatest concern. The Town-Major of Lisbon, if he has the orders, will show you, if you wish to read them, those that I have given out upon this subject. They have plundered the people of bullocks, among other property, for what reason I am sure I do not know, except it be, as I understand is their practice, to sell them to the people again."—*Fol. iv, p. 374.*

A month after, his Grace writes to Colonel Donkin in bitterness of heart on the same subject, which "gave him the greatest pain," and a provost-marshal is ordered to Castello Branco, whom "he hopes the Colonel will not fail to make use of;" he rebukes most sternly the commanding officers, threatens to report them and their regiments to the King, and so bad was their conduct, and so "scandalous the number of" "men absent, that he orders the muster-roll to be called every" "hour from sunrise till eight, and commands the attendance" "of officers as well as men." His Grace has been called stern, severe, an iron man,—the very highest and most manly qualities when atrocities perpetrated against the helpless, the women, the oppressed they came to deliver from the hands of their enemies, are to be suppressed. Who ever condemns the destroyer of pirates or banditti? The only difference between those miscreants and the ruthless plunderers of an army is, that the former profess openly their occupation, the latter perpetrate their villainies under the mask of alliance and the character of protectors. In a letter to Viscount Castlereagh

his Grace expresses himself with force, and evidently under the feeling of deep annoyance:—

“ It is impossible to describe to you the irregularities and outrages committed by the troops. They are never out of the sight of their officers, I may almost say never out of sight of the commanding officers of their regiments, and the general officers of the army, that outrages are not committed; and notwithstanding the pains which I take, of which there will be ample evidence in my orderly book, not a post or a courier comes in, not an officer arrives from the rear of the army, that does not bring me accounts of outrages committed by the soldiers who have been left behind on the march, having been sick, or having straggled from their regiments, or who have been left in hospitals. We have a provost marshal, and no less than four assistants. I never allow a man to march with the baggage. I never leave an hospital without a number of officers and non-commanding officers proportionable to the number of soldiers; and never allow a detachment to march, unless under the command of an officer; and yet there is not an outrage of any description, which has not been committed on a people who have uniformly received us as friends, by soldiers who never yet, for one moment, suffered the slightest want or the smallest privation.

“ In the first place I am convinced that the law is not strong enough to maintain discipline in an army upon service.”

The sequent observations on Courts-Martial and the regardlessness of the men for their oaths, and the remedies proposed, are the results of reflection and experience, conveyed in the clearest style. But we differ from his Grace in principle; the officers swear to judge according to the evidence, the only protection of the soldier against oppression, and even that a slight one. After saying that there are two incitements to officers, the fear of punishment and the hope of reward, and showing the difficulty of convicting an officer so as to ensure his punishment, his Grace adds the following striking sentence:—

“ As for the other incitement to officers to do their duty zealously, there is no such thing. We who command the armies of the country, and who are expected to make exertions greater than those made by the French armies,—to march, to fight, and to keep our troops in health and in discipline,—have not the power of rewarding, or promising a reward for a single officer of the army; and we deceive ourselves, and those who are placed under us, if we imagine that we have that power, or if we hold out to them that they shall derive any advantage from the exertion of it in their favour.”
—*Ibid.* iv. p. 435.

In addition to all these disgusting accounts of plundering and murdering, long and minute letters were written on

Courts-Martial upon offenders, which from their analytical character must have occupied time and attention, and which are master-pieces of reasoning. A memorandum of queries, on the replies to which the future movements depended, is alone a military lesson which every soldier would do well to copy, as an example of what a leader should ask and know that he may do his duty.

It must not be supposed that there was only glory, joy, and victory, a flying enemy, and a population pouring forth blessings on their deliverers. That is the poetry of war, not the reality; it is much sterner stuff, far more matter of fact. We have read that, after Vimeiro, Sir Henry Burrard came to an anchor instead of making all sail in chase, and nearly poisoned the army with the stench of the dying and the wounded, and threatened them with starvation. What was the addition to the glory and honour when the chase after Soult was given over? His Grace says "the weather was terrible: the troops have no shoes to their feet, and we have no bread."—*Vol. iv. p. 345.* To that was added actual distress for money. The merchants of Oporto would only lend 10,000*l.*, of whom the Duke thus writes to Mr. Villiers:—

"I really believe that I saved for them property for which they will get a hundred times that amount: and if I had waited to attack Soult till I had had money sufficient to render this loan unnecessary (for which I may wait the next time my assistance is wanted), the expence of the support of his army would have been ten times the amount."—*Vol. iv. p. 383.*

The difficulty of cashing even treasury bills was so great, that his Grace actually marched on the campaign which we have just passed with ten thousand pounds! and observes, when mentioning it to Mr. Villiers, that "If we are to carry on the war in this country, money must be sent from England." To Mr. Huskisson he writes in the same month, saying, "The distress of which I gave you a sketch in my last letter, has been aggravated by its continuance, and by an accumulation of debt, for all our supplies from that period to this." When his Grace was ready to prosecute the war, and the season was most favourable, he tells Mr. Villiers in June, "I should begin immediately, but I cannot venture to stir without money. The army is two months in arrear; we are over head and ears in debt everywhere; and I cannot

"venture into Spain without paying what we owe, at least in "this neighbourhood, and giving a little money to the troops." The Duke is not only harassed by the want of money for himself, but he tells Lord Castlereagh, "There are debts besides "of Sir John Moore's army still due in Spain, which I am "called on to pay."

What has been enumerated as transpiring in three weeks is not one-tenth of all he had to endure, arrange, discuss and decide. The officers who had taken temporary commissions in the Portuguese army, and the officers of the English army, now began to squabble about precedence, and his Grace was directly appealed to; he enters with earnestness and his usual ability into the question, and observes to Mr. Villiers,—

"If military rank and pre-eminence is an object (and it is an object on service in the field against the enemy or it is none at all), these officers are injured by the temporary supersession of themselves by their juniors in the British service; and all I ask is either that British officers entering the Portuguese service shall serve in the same rank which they hold in that of his Majesty, or, if superior rank should be given to them in the Portuguese service, it should be understood that when they meet British officers of superior British rank to themselves, they are to receive their orders."—*Ibid.* iv. p. 370.

At length his Grace's patience is so tried on the subject, that he exclaims,—

"I wish to God, Bercsford would resign his English Lieutenant-general's rank. It is inconceivable the embarrassment and ill blood which it occasions. It does him no good; and if the army was not most successful, this very circumstance would probably bring us to a stand-still."

His Grace shows his correct and high ideas on the question, whether, first, the navy ought to share in the prizes captured at Oporto; secondly, whether they ought to be considered prizes at all. The first he settles in the affirmative, if there be a right to any prizes, because the frigates in the offing prevented the vessels from escaping; the second he concludes by saying, that neither the navy nor army had any right to it, and however convenient his share might be to him, that he should be very "unwilling to be instrumental in "forwarding such a claim, if it is to have the effect of putting "our friends out of temper with us." Subsequently he speaks strongly against the claim.

The letters of this period to Lord Castlereagh and Mr.

Villiers, relative to giving safe conduct and future support to the planner of the intended revolt,—because the plot was discovered through his acquiescing in the request of an English officer, and coming to the English army, and because had it succeeded it would have accelerated the fall of Napoleon,—show much consideration for a man whom he could not admire or esteem. 'This officer was convicted on an English sea-passport being found on him, and was shot on his return to France. His Grace's reprimand to a young Marquis, under arrest for breach of duty, is beautifully and elegantly written, and should be read. Being solicited to promote a young man in the Commissariat, he replies, "Besides, with every sense of Mr. —'s merits, I must have a longer experience of them, and a better opportunity of comparing them with the merits of others, than I have had in the short period since the troops took the field." To crown all these avocations, his Grace had to contend with old Cuesta's ignorance and obstinacy, which was the proximate cause of his falling back after the battle of Talavera.

We have given the foregoing outline of three or four weeks' work as a *pendant* to the three weeks before, and up to, the rout of Soult, that the reader may have some idea of the incessant toil, the ceaseless mental labour, the trials of patience, temper and every feeling such a commander must endure; and to illustrate his character by showing from irrefutable documents the manner in which every incident was met, every question answered, and subjects of great difficulty and importance discussed;—they seem, from his Memorandum of Queries, to his reprimand of the young Marquis, as nearly approaching to perfection as could be expected from a frail and erring mortal.

No portion of the work has attracted our attention more than the unruffled manner in which his Grace meets the impracticable temper, the perverse obstinacy and intractable ignorance in all military strategy of Cuesta, and at last gets him into ground before Talavera, where ditches and olive grounds protected him, but from which he dared not order him to attack the enemy's flank, though the roads were adapted for it, because the troops were undisciplined, and if they had been broken would cause the destruction of the

army. Notwithstanding the old man's perplexing movements, which must have kept his Grace in watchfulness and doubt, he says, like himself,—

"Nothing shall prevent me from carrying into execution the arrangements which I settled with General Cuesta when I had the pleasure of seeing him, although to do so will be attended with the greatest inconvenience, on account of the deficiency of the means of transport, which I then hoped this country and Ciudad Rodrigo would have afforded: but I think it but justice to the army under my command, and to his Majesty, to determine that I shall undertake no new operations till I shall have been supplied with the means of transport which the army requires; and but fair and candid towards General Cuesta to announce to him this determination at the earliest moment. The British army does not require much assistance of this description; none for the baggage of individuals; and what is wanted, is to be applied solely to the transport of provisions, ammunition, money, and medical stores. All countries in which an army is acting, are obliged to supply those means; and if the people of Spain are unable, or unwilling, to supply what the army requires, I am afraid they must do without its services."

At that period, in England, flaming speeches flowed from the lips of orators, uninformed writers exhausted all the superlative epithets of our language, and poets soared on the wings of fancy in describing the enthusiasm of the Spaniards, their disinterestedness to our troops, the abundance of provisions brought to the camps, and the numbers of their armies. Unfortunately, the whole was on paper, no one in the campaign ever found the reality; even their armies, after eighteen months' invasion, amounted to about 80,000 ill-clothed and worse-disciplined men. A day or two before the battles near Talavera, his Grace writes, "We are still in great distress for provisions, which I do not see any very early prospect of relieving." This misconduct was aggravated by its hypocrisy and heartless selfishness, and his Grace says to Mr. Frere, "It is ridiculous to pretend that the country cannot supply our wants. The French army is well fed, and the soldiers who are taken, in good health, and well supplied with bread, of which, indeed, they left a small magazine behind them." In the same letter it is remarked, "This is a rich country in corn, in comparison with Portugal."—"The Spanish army has plenty of everything, and we alone, upon whom everything depends, are actually starving." In short, the jealousy, ignorance, and self-sufficiency of the

Spaniards constituted an unceasing source of injury to their cause, and of annoyance and distress to the British commander and his troops ; and in nine cases out of ten, their co-operation in the field was of no real use. The troops were not organized, the officers inefficient, the generals without talent. Perhaps Spain is one of the few countries that produced not one great man, either as a statesman or a warrior, during a time, when, if there had been any among them, they had the fairest opportunity of bringing their talents into action. We advert to those facts to show that the difficulties his Grace had to contend with, were enough to have chilled his steady ardour, by creating disgust and distrust instead of it, and because even yet there are erroneous opinions on the subject existing among the English people.

The desperate battle of Talavera, which his Grace tells Marshal Beresford was "the hardest fighting he ever was a party to," where he was twice hit, once on the shoulder and once through his coat, was sustained almost wholly by our troops, very few of Cuesta's army being engaged. The enemy was commanded by Joseph Buonaparte in person, and consisted of the corps of Victor, Jourdan and Sebastiani. The victory was positive, and twenty pieces of cannon were taken ; but this battle led to no result, as the Spaniards, not guarding, as was agreed upon, the pass in the mountains which separate Castille and Estremadura, the corps of Ney and Soult came from Salamanca by the route of the Puerto de Baños. The advance to Talavera would not have been made, had it been supposed that an almost impregnable pass would have been left open, after it was said to be guarded, and therefore the dreadful carnage of that battle may be laid to the charge of Spain. As the different corps of French were bearing down on the rear, flank and communications of the English army, his Grace retired behind the Tagus, and subsequently retrograded to the Guadiana. The old Spanish apophthegm might have justly applied in that case : "The Lord deliver me from my friends, I will take care of myself against my enemies." The account of the battle written to Lord Castlereagh is simple and clear ; the memorandum relating to the strategy and movements, short and ingenuous.

As, in the sequel of the work, the shameless conduct of

the Spanish people, to his Grace personally and to the whole army, is frequently complained of; it will be as well to give his Grace's letter to Mr. Frere immediately after the battle at Talavera, to convey a clear idea of the cold-hearted indifference and ingratitude of that people, and their idiotic expectations that armies were to fight and march without system, rest, means of transport or provisions, as described by poets and other unearthly kind of people:—

“Talavera de la Reyna, July 31st, 1809.

“Sir,—I have the honour to inclose the copy of a letter which I have received from Don Martin de Garay, upon which I request of you to convey to him the following observations:

“I shall be very much obliged to him if he will understand, that I have no authority, nay, that I have been directed not to correspond with any of the Spanish ministers; and I request, that he will in future convey to me through you the commands which he may have for me. I am convinced, that I shall then avoid the injurious and uncandid misrepresentations of what passes, which Don Martin de Garay has more than once sent to me, apparently with the view of placing on the records of his government statements of my actions and conduct which are entirely inconsistent with the truth, and to which statements I have no regular means of replying.

“As soon as my line of march into Spain was determined on, which you and Don Martin de Garay are aware was not till a very late period, I sent to procure means of transport and other supplies in the places in which I considered it most likely I should get them, namely, Plasencia, Ciudad Rodrigo, Gata, Bejar, &c.; and as soon as I had found that I had failed, I wrote to General O'Donogue on the 16th of July, a letter, of which you have, and of which I know the Government have, a copy, in which I told him, that as I had not received the assistance I required, I could undertake for no more than the first operation, which I had settled with General Cuesta in my interview with him on the 11th. *It is therefore an unfounded assertion, that the first account that the Government received of my intentions not to undertake any new operations, was when they heard that I had left General Cuesta alone to pursue the enemy.*

“The statement is not true; for although I disapproved of General Cuesta's advance of the 24th and 25th, which I knew would end as it did, I did support it with two divisions of infantry and a brigade of cavalry, which covered his retreat to the Alberche on the 26th, and his passage of that river on the 27th; and supposing the assertion to have been true, and that General Cuesta was exposed to be attacked by the enemy when alone, it was his fault and not mine; and I had given him fair notice, not only by my letter of the 16th of July, but frequently afterwards, that I could do no more. It is not a difficult matter for a gentleman in the situation of Don Martin de Garay to sit down in his cabinet and write his ideas of glory which would result from driving the French through the Pyrenees;

and I believe there is no man in Spain who has risked so much, or who has sacrificed so much, to effect that object as I have.

"But I wish that Don Martin de Garay, or the gentlemen of the Junta, before they blame me for not doing more, or impute to me beforehand the probable consequences of the blunders or the indiscretion of others, would either come or send here somebody to satisfy the wants of our half-starved army, which, although they have been engaged for two days, and have defeated twice their numbers, in the service of Spain, have not bread to eat. It is positively a fact, that during the last seven days the British army have not received one-third of their provisions; that at this moment there are nearly four thousand wounded soldiers dying in the hospital in this town from want of common assistance and necessaries, which any other country in the world would have given to its enemies; and that I can get no assistance of any description from the country. I cannot prevail on them even to bury the dead carcasses in the neighbourhood, the stench of which will destroy themselves as well as us.

"I cannot avoid feeling these circumstances; and the Junta must see, that unless they and the country make a great exertion to support and supply the armies, to which the invariable attention, and the exertion of every man, and the labour of every beast in the country ought to be directed, the bravery of the soldiers, their losses and their success, will only make matters worse, and increase our embarrassment and distress.

"I positively will not move, nay, more, I will disperse my army, till I am supplied with provisions and means of transport as I ought to be."—*Ibid.* v. p. 547.

Every syllable of that letter breathes the indignation of wounded honour at a nation's mean-spirited ingratitude to the army which had displayed the greatest valour, and had profusely shed their blood against invaders, led on by the usurper of the Spanish throne. There is no record in history of an instance of such atrocious inhumanity; and it perhaps may have been the latent cause of our soldiers looking upon the Spaniards as enemies when they afterwards re-captured, by storm, some of their fortified cities. After the battle of Talavera the Spaniards stole the arms and accoutrements of the dead and wounded English, and took possession of all the horses which had strayed when their riders were knocked down; but the Duke knew them by their "*short tails*," and required them to be restored!

The whole of the correspondence of that eventful period is tinctured, and well it might be, with suppressed vexation at losing the advantages which might have been obtained: his Grace thus writes to the late Duke of Richmond:—

"Since I wrote to you last the enemy have introduced a large corps, supposed to be 30,000 men, into our rear, by Binos and Plasencia; in consequence of which, and a train of mismanagement by the Spaniards, we have been obliged to withdraw, and to take up the defensive line of the Tagus."

In another letter to Lord Castlereagh he says,

"I should certainly get the better of everything, if I could manage General Cuesta; but his temper and disposition are so bad, that that is impossible."

With heavy heart he left 1500 of his wounded men behind, Cuesta having marched from Talavera, apprehensive of being cut off from the English army, when his holding his position there to the last was the "security" his Grace had depended on for the gradual removal of those men. Every resource having failed, and the enemy bearing down on all sides, he left that hard-won field and all that might have been gained for Spain, and by its influence for other realms: he thus describes his situation to the Duke of Richmond:—

"Starvation has produced such dire effects upon the army, we have suffered so much, and have received so little assistance from the Spaniards, that I am at last compelled to move back into Portugal to look for subsistence. There is no enemy in our front of any consequence: Ney is gone back into Castile; Soult is at Plasencia; Mortier at Oropesa, Arzobispo and Naval Moral; Victor's corps is divided, being half of it at Talavera, and half in La Mancha with Sebastiani. They cannot say we are compelled to go therefore by the enemy, but by a necessity created by the neglect of the Spaniards of our wants."

However various the mental occupations of his Grace were, it may be observed, that unless it is forced again upon his notice, he seldom recapitulates, but seems to consider a matter ended, and the next affair to be settled in the same decided manner,—which aided materially the dispatch of business. At the same period that all those harassing occurrences were transpiring, we read his decision that

"the soldiers of the army have permission to go to mass, so far as this; they are forbidden to go into the churches during divine service, unless they go to assist in the performance of divine service. I could not do more; for, in point of fact, soldiers cannot, by law, attend the celebration of mass, excepting in Ireland. The thing now stands exactly as it ought; any man may go to mass who chooses, and nobody makes any inquiry about it."

There is an elaborate letter on camp-kettles, in which his

Grace, like Uncle Toby, remarks, "there is much to be said on both sides of the question," and that, "In deciding upon this question, much depends upon the care which officers take of their men, and the degree of minute attention which they give to their wants;" and then concludes his argument with, "Upon the whole, therefore, I prefer the iron kettles to the tin for general purposes; but I have no objection to try the latter in some of our best regiments, in order to see how the experiment may answer."! Soon after he addresses the Commissary-General, complaining that he has observed that regiments have seized on the Seville carts, which they are using for their own purposes, and in all probability we shall lose their services from hard and bad usage! The tin-kettle and cart discussions in no wise interfere with the most important considerations; and his Grace, with equal readiness, discusses in a masterly letter the propriety of prudential measures being taken to secure, in the Tagus, a sufficient number of coppered transports to secure the re-embarkation of the British army in case of necessity, without exciting any unnecessary alarm in the minds of the Portuguese; and ends his letter to Lord Castlereagh with the words implying the first official indication of fortifying the celebrated lines of Torres Vedras: "I hope, in a short time, to be able to make a report on the defence of Portugal, which will be satisfactory to Government."

On the same day on which the commissary is warned about the ill-treatment and seizure of the Seville carts, his Grace writes a memorandum to Mr. Villiers on the state of the army; the military position of it with regard to the enemy; the nature and organization of the armies of Spain and Portugal, and other great subjects, which no other man in his army could have penned. A few days later, the celebrated memorandum to Colonel Fletcher, the commanding officer of the engineers, appears, giving to that officer the clearest directions for his preliminary labours on the lines of Torres Vedras. It is to be regretted that they are too long to insert, because they are deeply interesting. It was, in his Grace's opinion, necessary to have at once a base of future operations and a defence of the Tagus and Lisbon, which were to be obtained by fortifying that important position, which

the French had not perceived, and subsequently hardly suspected. It was a measure which, two years before, had occupied his Grace's attentive consideration, and was carried into execution the first favourable opportunity. It has been considered one of the most consummate proofs of military talent, and the means of continuing the war against the combined armies of France. We shall not attempt a description of these celebrated lines, but refer the curious reader and the military student to Jones's well-known work, and to the report of the operations of the Royal Engineers.

The following rebuke shows how sincerely his Grace desired that the manners of gentlemen should be united to the conduct of soldiers in the field, and that no ill-bred indiscretions should diminish the respect entertained for their valour. We insert it as being characteristic of the Duke, as well as to continue the graphic delineations of the various occupations of a commander on a campaign:—

“ Lisbon, October 26th, 1809.

“ My dear Sir,—I am concerned to be obliged to inform you, that it has been mentioned to me, that the British officers who are in Lisbon are in the habit of going to the theatres, where some of them conduct themselves in an improper manner, much to the annoyance of the public, and to the injury of the proprietors and of the performers. I cannot conceive for what reason the officers of the British army should conduct themselves at Lisbon in a manner which would not be permitted in their own country, is contrary to rule and custom in this country, and is permitted in none where there is any regulation or decency of behaviour.

“ The officers commanding regiments, and the superior officers, must take measures to prevent a repetition of the conduct adverted to, and of the consequent complaints which I have received; or I must take measures which shall effectually prevent the character of the army and of the British nation from suffering by the misconduct of a few.

“ The officers of the army can have nothing to do behind the scenes, and it is very improper that they should appear upon the stage during the performance. They must be aware that the English public would not bear either the one or the other, and I see no reason why the Portuguese public should be worse treated.

“ I have been concerned to see officers with their hats on upon the stage during the performance, and to hear of the riots and outrages which some of them have committed behind the scenes; and I can only repeat, that if this conduct should be continued, I shall be under the necessity of adopting measures to prevent it, for the credit of the army and the country.”

In November his Grace visited Seville and Cadiz, and was

consequently enabled to communicate with his brother, the Marquess of Wellesley, previous to the return of that nobleman to England, and to inspect the position and works of Cadiz, so as to judge how far he could calculate on its means of defence in the tedious campaign which he anticipated. His letter to Lord Liverpool, who had succeeded Lord Castlereagh as Secretary of State, dated Badajoz, November 14th, 1809, (vol. v. page 274,) is a master-piece, whether considered as a state-document, embracing the subjects of security of embarkation in case of defeat—the probable increase of force from the suspension of war in Germany—the possibility, notwithstanding that occurrence, of holding Portugal—the strength and composition of the armies necessary for that service—the annual expense to this country—the financial condition of Portugal, and her future monetary prospects—the causes of defalcation of her revenue, and the reasons for our assisting her in the hour of need—even the calculations of the expense of re-embarking the horses; or as a specimen of composition. Its terseness reminds us of the style of the late learned Herbert Marsh, Bishop of Peterborough, and the easy elegance of that which has been attained by the present Archbishop of Canterbury, by the light of the midnight lamp. The Duke of Wellington will hereafter be quoted as one of the greatest masters of the English language; but of this hereafter.

That the departments of the British were very incomplete appears in almost every page. The removal, at the public expense, of the officers who had gained some experience, to first battalions in other quarters of the globe, gave his Grace great vexation, as they were replaced by others without experience. The medical department was so inadequate, that in a letter to Lord Liverpool are these words: “It is besides very necessary that some effectual measures should be taken to increase the medical staff, *not with gentlemen of rank, but with hospital mates.*” Our surprise is greatly increased upon reading,—“Indeed, one of the reasons which induced me to cross the Tagus on the 4th of August, instead of attacking Soult, was the want of surgeons to the army, all being employed with the hospitals, and there being

"scarcely one for each brigade; and if we had had an action, we should not have been able to dress our wounded." All these facts are matters worthy of reflection; and while the manner in which they are met, remedied and dealt with, increases our estimation of the man, it is a lesson to us not to lay the flattering unction of being faultless to our minds, or to suppose, that, even now, our army is, in its whole organization, near perfection.

While paying unceasing attention to the affairs of his own army, and taking at the same time the most skilful steps for keeping possession of the country, and the most prudential, in case of being compelled to re-embark, his mind is called on to consider the state of the Spanish armies. The consummate folly of Arceyaga, the vexatious movements of Duque del Parque, and Duque de Albuquerque, fill him with deep anxiety. He had said, and full well he knew it, that the Spanish armies

"wanted the habits and spirit of soldiers,—the habits of command on one side, and of obedience on the other,—mutual confidence between officers and men; and above all, a determination in the superiors to obey the spirit of the orders they receive, let what will be the consequence, and the spirit to tell the true cause if they do not."

With that knowledge, his Grace had repeatedly recommended them to occupy strong posts with large bodies, so that they were safe; thus obtaining time to discipline the different branches, with opportunities of practising on the enemy, and occupying the French troops. That wise advice was scornfully rejected, and they all desired to fight on plains where "defeat was as certain as the beginning of the battle." Instead of acting, in their own country, in combination, whenever their front was clear they advanced without knowing why, and on the approach of the enemy scampered back again without asking why, or whither they were going, and never bringing up on their retreat, even in a fortified town. The movements of all their generals were in defiance of the reasoning, entreaties and remonstrances of his Grace, and of a clear and unequivocal statement of the dreadful consequences of persevering in such proceedings;—he showed them that they were placing themselves in the very position in which

he had been endangered by their not guarding the Puerto de Bafios, and that without the advantage of a victory. His Grace with unusual excitement says,

"I feel so strongly the situation in which all these troops are involved, that if there were any means prepared to enable the army under my command to cross the Tagus, and if there was the most distant chance that I should be able to subsist the army while engaged in this expedition, I should immediately put it in motion to endeavour to save the troops of our allies."

Almost all the evils his Grace had anticipated followed; and that their forces were not annihilated arose, not from their own skill, celerity or strategy, but the want of skilful co-operation of the enemy. His Grace thus speaks of it to Colonel Malcolm, and displays his own chivalric bearing when surrounded by such difficulties:—

"I have contrived, with the little British army, to keep everything in check since the month of August last; and if the Spaniards had not contrived, by their own folly, and against my entreaties and remonstrances, to lose an army in La Mancha about a fortnight ago, I think we might have brought them through the contest. As it is, however, I do not despair. I have in hand a most difficult task, from which I may not extricate myself; but I must not shrink from it. I command an *unanimous* army; I draw well with all the authorities in Spain and Portugal, and I believe I have the good wishes of the whole world. In such circumstances one may fail, but it would be dishonourable to shrink from the task!"

We are compelled, from the nature of the subject, not from want of information, to speak in more general terms than our feelings dictate, on the fact, that information of the movements, positions and effective force of the army, and many other particulars, were constantly communicated to persons of high rank and political consequence in England, through channels from which not a word should have flowed, even with the last gasp; and this information was *confidentially* repeated, under the influence of a leaky vanity, to frivolous politicians and chattering coteries, until it reached the paid spies of the journals, and was circulated in the newspapers for the information of the enemy. His Grace addressed Lord Liverpool on the subject, and subsequently complained in still more indignant terms of conduct so little removed from treason:—

"Badajoz, Nov. 21, 1809.

"My Lord,—I beg to call your Lordship's attention to the frequent paragraphs in the English newspapers, describing the position, the numbers,

the objects, and the means of attaining them possessed by the armies in Spain and Portugal. In some instances the English newspapers have accurately stated, not only the regiments occupying a position, but the number of men fit for duty of which each regiment was composed; and this intelligence must have reached the enemy at the same time that it did me, at a moment at which it was most important that he should not receive it. The newspapers have recently published an account of the defensive positions occupied by the different English and Portuguese corps, which certainly conveyed to the enemy the first knowledge he had of them; and I enclose a paragraph recently published, describing the line of operation I should follow in case of the occurrence of a certain event, the preparations I had made for that operation, and where I had formed my magazines. It is not necessary to inquire in what manner the newspapers acquire this species of information; but if the editors really feel an anxiety for the success of the military operations in the Peninsula, they will refrain from giving the information to the public, as they must know that their papers are read by the enemy, and that the information which they are desirous of conveying to their English readers is mischievous to the public, exactly in proportion as it is well-founded and correct. Your Lordship will be the best judge whether any other measures ought to be adopted to prevent the publication of this description of intelligence. I can only assure you, that it will increase materially the difficulty of all operations in this country."

The various accounts transmitted from these scribblers to their gossips at home, were of a motley character, but most of them of a nature to inflict pain on the Duke, and do injury to the cause.

At page 347 of this fifth volume we find a paper called "Memorandum of Operations in 1809," as at vol. viii. page 494. we see two others for the years 1810 and 1811, which comprise in themselves his Grace's own history of the defence of Portugal. We regret that their length precludes their being inserted. They appear to have been written with some particular object, and being dated at the end of each year, it is probable it was for the purpose of affording the Secretary of State the most accurate information of the past proceedings before the meeting of Parliament, giving references to official documents and authorities for which these memorandums were formed, in order to enable the minister to make his exposition to the country of the actual state of the war.

His Grace considered Cadiz as a very important post, and thus expresses himself in a letter on the subject to Major-General Whittingham, vol. v. p. 387:—

"having lately visited this famous fortress, I took an opportunity of looking at it, although not so much as I could have wished, or as I should have done, if I had not known that some of the inhabitants might have felt a jealousy of my curiosity."

The political and moral effect of holding Cadiz were perhaps of even greater consequence than its possession in a military point of view. It occupied a considerable number of the enemy's troops, afforded a harbour for our fleet, and kept up the spirits of the people.

A very elaborate letter to the Earl of Liverpool, dated Viseu, 1st March, 1810, vol. v. p. 538, gives a clear view of the state and future prospects of Spain, the importance of fortifying Isla de Leon—otherwise Cadiz would be unable to resist the enemy; the necessity of continuing operations in Portugal; and on other important matters. This letter is so perfect that we are only deterred from quoting it by its length; at the same time we call the attention of the reader to it as most worthy of his attention. Subsequently his Grace informs General Graham (now Lord Lyndoch), vol. vi. p. 345, that minute accounts of the works at Isla for the defence of Cadiz, the calibre and bearing of the guns, their number and distance from each other, had been published in an English newspaper, and that it is evidently the report of some officer to his friends. Such proceedings are condemned by his Grace, and a general order issued to attempt their suppression.

To have been impeded and trammelled by the self-sufficient obstinacy and ignorance of the governments and generals of the Portuguese and Spanish nations, appears enough to have been thrown on the shoulders of one man; but what will the present generation think who read, that, so virulent were party feelings in England, so rabid was faction for a victim, that this great man writes,

"I act with a sword hanging over me, which will fall upon me whatever may be the result of affairs here; but they may do what they please, I shall not give up the game here as long as it can be played."—*Ibid.* v. p. 653.

Every sportsman has heard the curs and mongrels of a district yelp, snarl and give tongue, when the hounds in full cry are straining every nerve to run down their quarry. So it happened in England; while the pack of party, reckless of

everything but their own emolument, were in full cry after the devoted and victorious general,—the aldermen and Common Council of the city of London presented a petition to the King to have his conduct inquired into,—having, with that profound knowledge of policy and military strategy for which they have so long been celebrated, come to the conclusion, after protracted debates, deep research and mature deliberation, that his Grace was an inefficient, blundering general, who had no pretensions to the character of a statesman, and who ought to be recalled, if not cashiered! Now we hardly know whether to laugh or lament at such an act of folly and presumption.

His Grace thus refers to that remarkable proceeding in a letter to the Earl of Liverpool:—

"I see that the Common Council of the city of London have desired that my conduct should be inquired into; and I think it probable that the answer which the King will give to this address will be consistent with the approbation which he has expressed of the acts which the gentlemen wish to make the subject of inquiry; and that they will not be well pleased. I cannot expect mercy at their hands, whether I succeed or fail; and if I should fail, they will not inquire whether the failure is owing to my own incapacity, *to the blameless errors to which we are all liable*, to the faults or mistakes of others, to the deficiency of our means, to the serious difficulties of our situation, or to the great power and abilities of our enemy. In any of these cases I shall become their victim; but I am not to be alarmed by this additional risk, and whatever may be the consequences, I shall continue to do my best in this country."—*Vol. v. p. 404.*

Yet to this meanness and folly of party we have seen something very nearly parallel during the present reign. On its being announced that Marshal Soult was to represent the Majesty of France at the coronation of our Queen, his Grace wrote a letter, soliciting that an article on Marshal Soult and the battle of Toulouse might be postponed until after the Marshal had left England. It is scarcely credible, but not the less true, that a conclave sat, who refused his Grace's request, and, thus breaking through the laws of hospitality and propriety, offered at once an insult to his Grace and to the English nation. The Duke of Wellington knew too well his duty to himself, not to do his utmost to stop such flagrant misconduct, and felt too correctly the sentiments of a gentleman not to deprecate so marked a perversion of them. That Marshal Soult has allowed the claim of

the victory of Toulouse to be raised for him is too true ; it is equally true, that in the heat of war, and while smarting from defeat and the sight of our victorious legions on the soil of France, he penned a proclamation, giving every degrading and insulting epithet to the English name. Time and peace have drawn a veil over the impotent threats and insults of a general defeated on his own soil ; they were forgiven by him who had the greatest reason for resentment, and used by a small knot of partizans, for what reason we shall not presume to guess. That the request ought to have been instantly acquiesced in there can be no second opinion among those who think rightly ; indeed, the English people, by their conduct, pronounced the severest censure on the execrable taste of those who refused the request of the Duke of Wellington, and violated the sentiments which should ever influence the conduct of gentlemen.

The army had now moved on to the north of Portugal, its advanced division being stationed in the assailable entrance from Castile. His Grace was again employed in all the preparations for a defensive war, in all the details of finance and provisions, and in making a personal reconnoissance of the fortified position of the " Lines of Lisbon," which was to proclaim him for the third time the Liberator of Portugal from French dominion.

The first " Memorandum on the operations in the Peninsula," to which we have alluded, occupies (vol. vii. p. 291.) eighteen pages, and is dated 23rd February, 1811 : it ends with the breaking up of the British army from its position on the frontiers of Estremadura and Alemtejo, and its march to a position in Upper Beira, between the Mondego and the Tagus in December 1809. The second memorandum begins by giving the reasons for this movement, which is followed by the detail of the events to the close of the year 1810, occupying twenty-two pages. It is impossible to abridge these concise papers with any degree of justice to their importance, and we again allude to them only to express our astonishment that, with his Grace's daily occupations and with his anticipations of future operations, in the critical position in which he then stood, he should have found time to have written those retrospects of the past and recorded them with such minute-

ness, as if it had been his only occupation. The publication of these papers at the time would have silenced all those querulous and unworthy attacks of the ignorant and uninformed, both in and out of parliament. In the letters and despatches previous to the third French invasion of Portugal, we find ample matter to which to draw the attention of our readers; indeed the period is so replete with matter of the highest interest, that we have in vain attempted to condense it, while its length and, unless consecutively studied, its complexity, admit of no abridgement. As it was clear that neither the skill of the Spanish generals nor the steadiness of their troops could be depended on, every precautionary measure was considered which might facilitate not only the re-embarkation of the British troops, but also of the Portuguese army, the valuable property of the people, and many of those families who might be exposed to the violence of the French. The details of all these probable occurrences are discussed with precision and clearness. The following passage cannot be too highly estimated for high and considerate feeling. The tonnage which could be depended upon was only sufficient to carry for a short voyage the English and Portuguese troops; not a ship was left for the Spaniards; on which his Grace observes,—

"This being the case in regard to the tonnage, I cannot, as an honest man, encourage the Spanish armies to retire upon Portugal, however it may strengthen ourselves at the critical moment. If the Spanish, and even the Portuguese troops were like others, and I could reckon with entire confidence upon their exertions in the hour of trial, I should urge the Marques de la Romana to co-operate with us in the defence of our position, from being certain that we can lose it only from the deficiency of numbers of good troops to defend it. But if he should retire with us towards the Tagus, and if, as is probable, his troops should behave ill, and if consequently we should be obliged to embark, I should have treated him ungenerously and ill to leave him behind. I therefore propose to leave him upon the rear of the enemy, as I shall the greatest part of the Portuguese militia, and all those troops of the line which will be in garrisons, in forts, &c. &c."

Although it was his Grace's opinion, that with sufficient troops Portugal was to be saved, the party cry in England was very loud, and being quite aware of it, he made every preparation to obey his orders, and thus refers to them: "My instructions so far concur with the general sentiment, as to forbid any risk, or any unnecessary loss: and you will attend

"to that in any movement which you may make." To General Hill, April 2, 1810. vol. vi. p. 5.

Having given every direction deemed necessary, and strengthened every position which would facilitate and render less dangerous the re-embarkation if circumstances made it unavoidable, his Grace awaited the result of the enemy's strategic movements. Such is the ceaseless activity of his mind, that it seems never to require rest,—*'vires acquirit eundo.'*—To Mr. Stuart his Grace writes, vol. vi. p. 46, a letter on *Military Law*, which would have added credit to a Vattel or a Puffendorf.—To the Hon. H. Wellesley he sends a masterly letter on the South American territories held by Portugal, and on the right of succession of the Princess of Brazil, and finishes his remarks with the statement that the French had made a general movement towards Ciudad Rodrigo. As an interlude, his Grace enters into a long discussion with General Craufurd, on that officer's proposal to change the working arrangements of the commissariat departments; his discussion is followed up with considerable vigour, and, as might have been expected, General Craufurd had not one tenable point: this appears to have nettled the General, and led to his Grace saying,—

"I therefore made my remarks with perfect freedom on the different regulations as they came before me, without taking much trouble to choose the terms in which I was to make them; but there was no feeling of disapprobation during the discussion, and none has been felt since."

Before entering on the next campaign we bring before our readers a repetition of a complaint made by his Grace; it is contained in a letter to the Earl of Liverpool from Gouvea, 7th September, 1810:—

"While writing on this subject I cannot avoid drawing your lordship's attention to the mode of promoting, not only commissaries, but the officers of the army, and those attached to all the departments. With the largest concern to manage that has lately been entrusted to any officer of the British army, and with the heaviest responsibility that ever was placed upon any, I have not the power of promoting a man of any rank or of any description; and the trial will certainly have been made in my case, whether with success or not still remains to be ascertained, with how small a proportion of the power of reward an officer can carry on the service."

It has been our wish to give from the work before us a clear idea of the various and unceasing occupations of an

efficient officer in command of an army, instead of the indefinite ideas generally entertained on such subjects: unless some very striking and peculiar incidents demand notice, we shall consider that portion of our labour completed, and follow the great outline of the war. It will be also necessary to omit any references to the discussions which took place on the presumption and ignorance of men who publicly criticised his operations—some of them closely connected with his Grace by the ties of military duty.

The French army called "the army of Portugal," commanded by Marshal Massena, who is considered by his Grace the most efficient of the commanders who were opposed to him, now reinforced, marched down on Lisbon, capturing Ciudad Rodrigo and taking possession of Almeida. The Portuguese inhabitants destroyed what they could, rendering the progress of the enemy more difficult. A letter addressed by his Grace to Massena, in which that subject is touched on, must have cut that reckless warrior to the quick by its dry and caustic logic, and made him clearly comprehend the light in which he and his army were justly held. Though the poor inhabitants destroyed what they could, the government (under the influence of Principal Souza, with whom his Grace refused any longer to co-operate, and of whom, in a letter to Mr. Stuart, he declared, "either he must quit the country or I shall,")

"would not adopt in time any one measure to remove what might be useful or necessary to the enemy; they neglected their peculiar business to occupy what did not concern them; and there is not an arrangement of any description which depended upon them, or their officers, which has not failed. At this moment the enemy are living upon grain found close to the lines; and they grind it into flour with the mills in our sight, which the government were repeatedly pressed to order the people to render useless, only by taking away the sails. Then, boats are left at Santarem, in order to give the enemy an opportunity of acting upon our flank, and thus dislodging us!"

There were also 'croakers,' particularly at head-quarters, disgraceful to us as a nation, and doing mischief to the cause. His Grace, however, knew the impregnable character of his lines at Torres Vedras, and informed the Government of the safety of Lisbon, unless some extraordinary and unforeseen event transpired.

Meanwhile Massena came on to carry into effect the orders of Napoleon, and his legions were full of enthusiasm and hope. The description of the ground, or rather district of Busaco, given to the Earl of Liverpool, is graphic and clear; the various letters, orders, and strategic movements are highly interesting; and the variety of points settled, ordered and alluded to, keep the reader's mind in high excitement, until the battle itself, which may be said to have been a two days' fight, and in which the enemy lost many times in proportion to the allies. We are not informed of the necessity or the reason for that battle, as leading to any marked results, since the lines of Torres Vedras were evidently the position which his Grace intended to resume,—where he was unassailable, and from whence he would, apparently, have obtained all the results of Massena's retreat, without a previous engagement. We do not presume to say that the battle was not fought for the profoundest reasons; but they are not apparent to the general reader, and should, we think, be made clearer in a future edition. Marshal Massena knew nothing of the lines of Torres Vedras, and when he made a grand reconnaissance of them, and saw that they were impregnable, he must have felt but little pride in the sagacity of all the generals and celebrated French engineers who had preceded him in Portugal. We cannot help picturing to ourselves this renowned old soldier, with his staff capering at his heels, and his army making a reconnaissance of the lines, and uttering expressions of wonder, merely to smother the spontaneous admiration which must otherwise have burst out; while our army enjoyed in security what, to Massena, must have been a *mauvaise plaisanterie*. Had the Marshal known of those lines, unless out of vanity or shame, he probably would not have fought the battle of Busaco, or, when beaten there, would have skillfully retreated. For what reason he remained opposite to Torres Vedras, to be stared and laughed at, no one has yet been able to conceive: but there he and his legions did remain, until they had not a loaf or a rat to eat, and then, in the beginning of the winter, took to their heels. So calmly secure was the Duke of Wellington, that while Massena and his army were watching like hungry wolves the British lines, a grand ball was given at the Palace of Mafra,

to which the officers of the army and the *élite* of the Portuguese at Lisbon were invited, to assist in investing Marshal Beresford with the order of the Bath, with which his meritorious services had been rewarded by the King.

The invaders under Massena proved themselves to be, what armies too frequently are, merciless banditti. They retreated from the country,

"as they entered it, in one solid mass, covering their rear on every march by the operations of one or two *corps d'armée* in the strong positions which the country affords, which *corps d'armée* are closely supported by the main body. Before they quitted their position they destroyed a part of their cannon and ammunition, and they have since blown up whatever the horses were unable to draw away. They have no provisions, excepting what they plunder on the spot, or having plundered, what the soldiers carry on their backs, and live cattle.

"I am concerned to be obliged to add to this account, that their conduct throughout this retreat has been marked by a barbarity seldom equalled, and never surpassed. Even the towns of Torres Novas, Thomar, and Pernes, in which the head-quarters of some of the corps had been for four months, and in which the inhabitants had been invited, by promises of good treatment, to remain, were plundered, and many of their houses destroyed on the night the enemy withdrew from their position, and they have since burnt every town and village through which they have passed. The convent of Alcobaça was burnt, by orders from the French head-quarters. The bishop's palace, and the whole town of Leyria, in which General Drouet had had his head-quarters, shared the same fate; and there is not an inhabitant of the country, of any class or description, who has had any dealing or communication with the French army, who has not had reason to repent of it, and to complain of them. This is the mode in which the promises have been performed, and the assurances have been fulfilled, which were held out in the proclamations of the French commander-in-chief, in which he told the inhabitants of Portugal, that he was not come to make war upon them, but with a powerful army of 110,000 men to drive the English into the sea. It is to be hoped that the example of what has occurred in this country will teach the people of this, and of other nations, what value they ought to place on such promises and assurances; and that there is no security for life, or for anything which makes life valuable, excepting in decided resistance to the enemy."—*Ibid.* vii. p. 358.

However painful it may be, our duty compels us to show, that heinous as was the conduct of the French troops, the same tendency to brutality and plunder was evinced in the allied army. Poets and novelists may depict the 'pomp and circumstance of glorious war;' our province is in a higher

grade; to show it as it really is, to make known its horrors, and not to shrink from its most horrible details; that by holding up the mirror, we may add our mite towards disgusting mankind with the game, which has gone far towards turning a beautiful world into a wilderness dabbled with blood. It is sickening to feel assured, that in all ages and countries, men, when collected together in bodies for the purposes of war, while they have shown heroism and devotion, have far more shown their aptitude for every vice and crime. His Grace thus describes his own army to Colonel Torrens:—

“ I recollect that the Commissary-General mentioned to me, about the period of his letter to the Commander-in-Chief, the inconveniences experienced from the deficiencies of the stores when they reached the army from the depôts, occasioned, partly by the desertion of the bullock-drivers, and partly by robberies committed by the same description of persons, and by the mule-drivers. Upon that occasion I pointed out to Mr. Kennedy the inconvenience which would result to the service from giving escorts to every convoy of grain or bread, from the irregularity of the British soldiers when detached from their corps; and the probability that the employment of these escorts would occasion greater inconveniences and deficiencies than were at that moment experienced.

“ The Spanish muleteers, who perform the greatest part of the transport service of the army, would not submit to the brutal violence of a drunken soldier, and these people would desert with their mules if escorted by troops; and I believe, that the delays which the drunkenness and irregularity of the troops would have occasioned by the arrival of the stores, and the loss by their own thieving, would have been found still greater than those suffered by the dishonesty of the muleteers.

“ Another practice, very common among the troops, would have been found equally prejudicial to the service, in the case of the use of carts. A detachment has scarcely ever gone as an escort with carts, even carrying treasure or sick, that the soldiers have not taken bribes from the drivers to be allowed to quit the convoy with their carts and bullocks.

“ This practice leads to fresh irregularities of the same description. They must then be employed to press carts in the country, to supply the deficiency of transport occasioned by their own villany and forgetfulness of their duty. This is always an act of violence; and the inhabitants frequently bribe the soldiers not to press their carriages.

“ All these circumstances induced me to believe that it was better to submit to the inconvenience of the loss of some of the stores, than to suffer that inconvenience, with the additional evils which I have above described. I did, however, make arrangements to have the convoys attended by detachments of the ordenanza, and I believe there was afterwards no positive loss of stores, although the petty robberies of mule and cart-drivers still continued. No soldier can withstand the temptation of wine. This is

constantly before their eyes in this country, and they are constantly intoxicated when absent from their regiments, and there is no crime which they do not commit to obtain money to purchase it; or if they cannot get money, to obtain it by force."—*Fol.* vi. p. 575.

We are unable to quote a tenth part of the passages marked for insertion, and must therefore content ourselves with calling attention to the letters and passages specified in the subjoined note*.

The fortresses of Almeida and Ciudad Rodrigo to the north, and Badajoz (which had been shamefully surrendered to the French) to the south of the Tagus, remained in the hands of the enemy after the retreat of Marshal Massena's army from Portugal. The battles of Fuentes de Oñoro and Albuera, however honourable to our arms, were but barren victories, the garrison of Almeida having escaped, and the siege of Badajoz having been raised. Although no positive results appear to have ensued, the effect on the army was useful, as the confidence of the men was increased, and their chief taught the exact odds with which he would have to contend in the future operations that he had in contemplation. These he carried into effect the following year. He laid siege successively to Ciudad Rodrigo and Badajoz, and carried them both by assault. He then advanced into Castile. By a series of manœuvres he held in check the French army under Marshal Marmont, the successor of Marshal Massena; and when the favourable opportunity presented itself, he fell upon and crushed it at Salamanca. The results were, the relief of Cadiz and Andalusia, the occupation of Madrid and the siege of Burgos. This last operation was thought to have been undertaken with inadequate means; but his Grace, in his letter to the Earl of Liverpool on November 13th, 1813, states

* To The Prince Regent of Portugal,	Nov. 30th, 1810.	vol. vii. p. 15.
The Hon. H. Wellesley,	Dec. 2nd, "	" 25.
The Earl of Liverpool,	Dec. 21st, "	" 56.
Mr. Stuart,	Dec. 27th, "	" 79.
The Earl of Liverpool,	Dec. 29th, "	" 84.
Dr. Frank,	January 7th, 1811.	" 116.
Colonel Gordon,	June 12th, "	vol. viii. 15.
The Hon. H. Wellesley,	August 2nd, "	" 165.
The Earl of Liverpool,	October 1st, "	" 314.
General Hill,	October 13th, "	" 338.
Mr. Stuart,	Dec. 10th, "	" 446.
Lord William Bentinck,	Dec 24th, "	" 482.

his reasons. How far the co-operation of the British forces under Lord W. Bentinck, on the eastern coast of Spain, might have assisted in the result of the campaign, must remain a matter of conjecture. The French armies were all assembled under Marshal Soult, which rendered it necessary for the British army to retreat to the frontiers of Portugal. The letters in the annexed note relate to that period, and we regret that their length alone prevents us from quoting them*.

The tenth volume begins with his Grace's visit to Seville and Cadiz, Andalusia having been freed from the enemy by the preceding campaign. On his return to the army he writes the letters referred to†.

His army had been reinforced, and for the first time it was properly equipped in all its branches. In May 1813 he commenced offensive operations. By a masterly manœuvre he turned the Douro, and obliged the enemy to retreat from it. The armies of Portugal, of the centre and of the south, commanded by King Joseph, with Marshal Jourdan as his major-general, retired across the Ebro, having abandoned and blown up Burgos. At this moment the news of the battle of Bautzen, and the consequent armistice (dated 4th of June, to last until 8th of July, and six days more for denunciation on its expiration) between Napoleon and the Northern Allies, were received by his Grace. It was supposed that the armistice would be followed by peace.

The masterly strategy of his Grace had now placed him in a position, which his genius pointed out to him as one from which the destinies of Europe might be decided. Many were the suggestions relative to the next movements; some, high in rank, concluded that the line of the Ebro would be the termination of the campaign. The mighty master of the war on which the fate of nations depended, listened to the *attenuated idea* of taking up a line three hundred miles in

* To Lord William Bentinck,	April 16th, 1812.	vol. ix. p. 61.
Lord Bathurst,	July 14th, "	" 285.
Lord Bathurst,	July 21st, "	" 297.
Lord William Bentinck,	July 30th, "	" 332.
The Earl of Liverpool,	Nov. 23rd, "	" 570.
† To Lord Bathurst,	Jan. 27th, 1813.	vol. x. p. 54.
La Vega,	Jan. 29th, "	" 61.
Sir Thomas Gresham,	Jan. 31st, "	" 67.

length, and smiling, said, "THE BALL IS AT MY FEET, AND I'LL SEND IT FAR ENOUGH." The astonished army heard it; the columns were instantly directed to the upper Ebro, with injunctions that 'a soldier's head should not be seen.' Confidence inspired every man with obedience: the army, as one soul, seemed to feel that a mighty deed was to be done; and by those who saw it, the silence on the march, the expression of every countenance, and the resolved, but eager look, told that those words had sunk deep into every heart. With a rapidity never exceeded, he fell unexpectedly on the armies of the enemy and utterly destroyed them. The conquest, for it exceeded an ordinary victory, was felt like an electric shock to the confines of Europe. Napoleon at Dresden heard it with amazement. The Emperor of Russia and the King of Prussia received the intelligence at a château in Silesia. The armistice in Saxony was abruptly terminated. Austria joined the allies. Napoleon was attacked at Dresden; and though the allies retreated into Bohemia, they soon returned, and pressing on Napoleon, drove him from Dresden to Leipzig, and thence to Mainz. Germany was liberated. Holland deposed the French authorities. The battle of Vitoria was closely followed up, and the French retreated across the Bidasoa into France. The result of that battle was the abdication of Napoleon and the peace of Europe.

As the operations preceding the important battle of Vitoria are complex, and comprise much that appears to be incidental to what may be termed secondary operations, and rather forced deviations from the great outline or plan, we have been compelled, for want of space, merely to refer to them. We may, however, observe, that his Grace, vol. vii. p. 507, says, "I had frequently urged the Spanish general officers to remove to Elvas the boats and materials for a bridge which were in store in Badajoz. *They commenced to remove them during the siege*: but the unfortunate battle of the 19th of February was fought when only five boats had arrived at Elvas." The Spanish Regency, we find, by his Grace's Memorandum of Operations in 1811, vol. viii. p. 502, withdrew Ballesteros from Estremadura the moment it was attacked. To that misdeed must be added that the troops were shamefully sold in Olivença; the Spanish army annihilated on

the 19th of February; and Badajoz sold on the day after the governor was informed that relief would be sent to him. Well may his Grace at last have called the Spaniards a perverse and impracticable people, and declared, "We had to contend with the consequences of the faults of some, the treachery of others, and the folly and vanity of all." Even the celebrated siege of Badajoz was not undertaken "as a part of a plan, but as a consequence of our preceding operations during Massena's retreat." The battle of Albuera was fought to try and save the siege of Badajoz. All the bloodshed of those actions is on the heads of the traitors who withdrew, and sold the troops and the fortress. The battle of Fuentes de Oñoro was one rather of resistance than of attack, and not a part of a great plan; however, it proved the stubborn and enduring valour of the army, as the enemy, according to a note by his Grace to the Memorandum above alluded to, vol. viii. p. 507, "had about five to one of cavalry, and more than two to one of infantry engaged." The Duke's summing up of that year's campaign is indeed painful when we reflect on the blood which was shed and the treasure expended: "Although our success has not been what it might, and ought to have been, we have at least lost no ground, and, with a handful of British troops fit for service, we have kept the enemy in check in all quarters since the month of March." We were led to make the general remarks we have on this part of the war from the Duke himself having said,—"Circumstances vary to such a degree in this extraordinary war every day, that it is impossible for me to say which plan would be best, at the moment I should have it in my power to execute either."

It is very difficult to reconcile the account above given by his Grace of the results of the campaign, (unless the campaigns are designated merely by years and not by continuance of operations, as the operations of 1811 and 1812 have all the characteristics of having been continuous) with these words of the Duke to the Earl of Liverpool (vol. ix. p. 565) on the operations of 1812:

"From what I see in the newspapers, I am much afraid that the public will be disappointed with the result of the last campaign, notwithstanding, that it is in fact the most successful campaign in all its circumstances, and has produced for the cause more important results than any campaign in

which a British army has been engaged for the last century. We have taken by siege Ciudad Rodrigo, Badajoz, and Salamanca; and the Retiro surrendered. In the meantime the allies have taken Astorga, Guadalajara and Consuegra, besides other places taken by Duran and Sir Home Popham. In the months elapsed since January this army has sent to England little short of 20,000 prisoners, and they have taken and destroyed, or have themselves the use of the enemies' arsenals in Ciudad Rodrigo, Badajoz, Salamanca, Valladolid, Madrid, Astorga, Seville, the lines before Cadiz, &c.; and upon the whole we have taken and destroyed, or we now possess, little short of 3000 pieces of cannon. The siege of Cadiz has been raised, and all the countries south of the Tagus cleared of the enemy."

The immediate and local consequences of the battle of Vitoria were the retreat of the French army from Spain, the blockade of Pamplona and St. Sebastian, and the British army taking up the line of the Pyrenees. Marshal Soult was again sent by Napoleon to take the command, to force this line and drive the British across the Ebro. Under the influence of the ruin and disgrace which must follow the descent of the Duke and his army into France, the Marshal made the most desperate attacks on the allies, who, though harassed by fatigue, short of ammunition, and badly supplied with shoes and provisions, were animated with great determination. His Grace observes, vol. x. p. 591, "The French army must have suffered terribly. Between the 25th of last month (July) and the second of this (*eight days*), they were engaged seriously not less than *ten times*; on many occasions in attacking very strong positions, in others beat from them or pursued. I understand that the officers say they have lost 15,000 men. I thought so, but as they say so, I now think more." Those operations included the terrible battle of Sorauren, in which "every regiment of the fourth division charged with the bayonet, and the 40th, 7th, 20th and 23rd, four different times. Their officers set them the example, and Major-General Ross had two horses killed under him. It was the anniversary of the battle of Talavera. The Duke said that he never saw such fighting as on the 27th and 28th, or such determination as the troops showed." The enemy was again attacked on the 30th, and driven back into France with immense loss. These battles took place near and in the valley of Roncesvalles, and from their desperate character, and the wild and mountainous na-

ture of the place, read like a tale of the most exciting romance. St. Sebastian was taken by assault; Pamplona capitulated*.

It cannot be supposed that this storm of war could have been carried through without errors being committed, and which are spoken of, while the names of the delinquents are considerably suppressed. It appears, that when a fortified place is carried by storm, the women, children, and citizens are considered the rightful victims of troops reeking with blood, and soon inflamed to demoniac madness by spirits and plunder; and that without even the discrimination between enemies and allies. Such deeds destroy the halo of glory which is so skillfully drawn around all the operations of war. When men are civilized there will be no war; until then, probably the same accursed horrors will attend it.

There are some curious, and to us unaccountable com-

* The following references will assist an interested reader in obtaining the detailed information :

To The Minister of War,	June 11, 1813.	vol. vi. p.	430
Sir Thomas Graham,	Aug. 13, "	"	633
Lord Bathurst,	June 29, "	"	474
Hon. Mr. Wellesley,	July 2, "	"	490
Lord Bathurst,	July 3, "	"	509
Lord W. Bentinck,	July 8, "	"	517
Lord Bathurst,	July 10, "	"	233, 522
Hon. Mr. Wellesley,	July 24, "	"	505
The Earl of Liverpool,	July 25, "	"	567
Lord Bathurst,	Aug. 8, "	"	613
Sir Thomas Graham,	Aug. 13, "	"	634
Lord Bathurst,	Aug. 14, "	"	638
Do.	Aug. 19, "	vol. xi. p.	17
Sir Thomas Graham,	Aug. 20, "	"	86
Lord W. Bentinck,	Sept. 5 & 6, "	"	86 & 90
Sir John Hope,—On the Plundering,	"	"	168
Lord Bathurst,	Nov. 1, 1813.	"	241
General Freyre,	Nov. 14, "	"	297

† The following are curious accounts of the ferocious spirit showing itself among the men. "The crime of striking, and even firing at the officers in the execution of their duty, was of frequent occurrence." The Adjutant of the 14th Portuguese was killed by some British soldiers for attempting to restrain their plundering, and some of our infantry actually fired on an officer and party of the 14th Dragoons for trying to get them out of a wine house when the troops were retreating from Roncesvalles; they beat off the dragoons, and were afterwards captured by the enemy. The discipline necessary to restrain such men must indeed be severe. After the pursuit of the French army through the passes of Roncesvalles and Maya, his Grace thus writes to Lord Bathurst: "I do not know what measures to take about our vagabond soldiers. By the state of yesterday, we had 12,500 men less under arms than we had the day before the battle. They are not in the hospitals, nor are they killed, nor have they fallen into the hands of the enemy as prisoners: I have sent officers with parties of the cavalry staff-corps in all directions after them, but I have not yet heard of any of them. I believe they are concealed in the villages in the mountains."

plaints of want of naval co-operation, which reflect but little credit upon those entrusted with the Admiralty at the time. Had these complaints been made by any other person than the Duke of Wellington, we might have supposed that there was some error in the statement; but when we find them so often repeated, it certainly much surprises us, that the greatest naval power in the world should have been able only ineffectually to assist its army with one frigate and two sloops of war. For a short time Captain (now Sir Robert) Otway was with the *Ajax*, 74, at St. Sebastian, and afforded, with his well-known energy and skill, all the assistance his means enabled him. It is unnecessary to enter further into this subject; it ought to be reflected upon with shame and regret by those who directed the naval power at that period*.

The combined armies looked down from the Pyrenees for five months on the fertile fields of France; but the Duke waited calmly to see the result of his great victory of Vitoria, and the last great success at Sorauren. The effects, which we have stated, being fully developed to his Grace, the order was given by him, and on the 7th of October, 1813, Sir Thomas Graham (now Lord Lynedoch) crossed the Bidasoa, and established "within the French territory the troops of the allied British and Portuguese army." That nation which had carried war into every country on the continent of Europe, was now destined to see the dreadful scourge descending from the barrier mountains of her land, like a tempest winged with gales of death, and darkened with the fury of retaliation and vengeance. The almost uncontrollable fierceness of our own troops has been depicted. What must have been the force of the smouldering vengeance of the Spaniards and Portuguese? Their countries had been trampled into a slough of blood and ashes; their princes had been kidnapped, or driven into exile; their hearths had reeked with the slaughter of their parents, wives and little

* Whenever our naval officers were called on, they generally displayed zeal and talent. The present Captain Sir Andrew Bellart Green conveyed Col. Le Cour, the aide de camp of Junot, with the account of the Convention of Cintra, and conveyed to arrive at the very moment when Admiral Stopford received instructions not to permit the French troops to land near Bayona, and they were sent on to Quiberon. Captain Green, in one of the fastest vessels, managed to be twenty-eight days going from Lisbon to La Rochelle, and by that naval skill prevented the information reaching Napoleon for at least three weeks!

ones; the concave of heaven had re-echoed the screams of their daughters for mercy; the track of their invaders had been marked during the day by columns of smoke, and during the night by countless fires. Men who had suffered such deadly wrongs could hardly be expected to withhold the arm of vengeance when the victim was in their power. For the first time since war was inflicted on mankind, that vengeance was restrained, not effectually at first, but at last with rare exceptions. The same great Captain who had led them to their triumph, knew full well that retaliation could only brutalize the avengers and disorganize his army; and therefore adopted every measure to curb it, and by so doing has added a radiance of mercy to his wreaths of victory, which will shine to after ages, when wars shall be looked on as the shame of humanity, or as punishments ordained by God.

In no case does this great man's indignation burst out so vehemently as when writing of the cruelty and plunder of his troops. In almost every instance, where he can, consistently with the support of discipline, temper punishment with mercy, he does so, but the condemned plunderer was left to the gibbet or the lash, and that in the opinion of those best able to judge was mercy; but his implacable justice on that crime has made many wrongfully condemn him as a stern and iron man. Even his decision and well-directed energy were unable at first to restrain the troops from such misconduct, and he writes to Sir John Hope,—

"I have sad accounts of the plunder of the soldiers yesterday, (Oct. 7,) and I propose *again* to call the attention of the officers to the subject. I saw yesterday men coming in from Olague, drunk and loaded with plunder; and it cannot be prevented unless the general and other officers exert themselves."

At the same time a general order is issued, which tells the damning truth that even *officers* were, tacitly at least, giving it their sanction:—

"1st. The Commander of the forces is under the necessity of publishing over again his orders of the 9th of July last, as they have been unattended to by the officers and troops which entered France yesterday.

"2nd. According to all the information which the Commander of the forces has received, outrages of all descriptions were committed by the troops, *in presence even of their officers, who took no pains whatever to prevent them.*

"3rd. The Commander of the forces has already determined that some officers, so grossly negligent of their duty, shall be sent to England, that their names may be brought under the attention of the Prince Regent, and that his Royal Highness may give such directions respecting them as he may think proper; as the Commander of the forces is determined not to command officers who will not obey his orders."—*Fol.* xl. pp. 168, 169.

Notwithstanding this order was supported by very decided measures, the tendency to pillage was with the greatest difficulty kept under, and the Spanish General Murillo was written to, with great indignation, on the conduct of his troops, and his whole army kept under arms to prevent them from spreading and committing depredations. The Spanish general evinced symptoms of insubordination, and used language which required the greatest patience to endure.

The enemy was desperate, but evidently determined to play out the game to the very last. The next position, near St. Jean de Luz and on the left bank of the Nivelle, was naturally very strong: "The enemy, not satisfied with the natural strength of this position, had the whole of it fortified; and their right in particular had been made so strong, that his Grace did not deem it expedient to attack it in front." The object of the attack on those formidable entrenchments, was to force the enemy's centre, and to establish our army in the rear of their right, which was effected after a day of hard fighting, which ended in the total defeat of the enemy, the capture of 51 guns, 6 tumbrils of ammunition, and 1400 prisoners. Our loss was not so great as might have been expected—2694 killed, wounded and missing.

The English government now became very anxious to bring this great campaign to a close, and Earl Bathurst urged the Duke to continue his operations. His Grace, in reply, expressed his readiness to put into execution the intention corresponding with that wish, but like an *old soldier* thus urges claims for his army:—

"I beg to remind your Lordship, however, that the army is very ill supplied with money. The troops are more than six months in arrear of pay; and the money in the hands of the captains of troops and companies is nearly expended, and the daily payments to the soldiers must soon be stopped entirely. The Spanish and Portuguese armies are equally unprovided with money: and the supplies provided at Cadiz for the former, and at Lisbon for the latter, are detained at those places respectively, according to the latest accounts, for want of ships of war to bring them round.

It is in vain to expect to be able to continue to carry on our operations through the winter, unless we should be supplied with money from England, and should be enabled to bring round from Cadiz and Lisbon the sums which we may get at those places respectively, for bills upon the Treasury."

This battle of the Nive, that of Orthez, and the victory at Toulouse closed the campaign. As the idle assumption of the enemy having been victorious at Toulouse has been given up, even by the French themselves, it is not necessary for us to recapitulate a controversy which seemed easily settled by a categorical reply to this question: Who held the fortified positions outside the town, and who the town and surrounding district, immediately after the battle? A more searching question might be put to the French Marshal: Was the battle necessary? were *you* acquainted with the abdication of Napoleon, made on the 4th of April, six days before the battle? It is to be feared that Marshal Soult knew that Napoleon had abdicated, and consequently that he sacrificed some thousands of men either to vanity or the most imbecile policy. The sortie from Bayonne also requires explanation; as it was made seven days after the abdication, it was useless murder, and reflects disgrace on the perpetrators of it.

On Nov. 21, 1813, his Grace writes to Earl Bathurst, and tells him that he had not heard any opinion in favour of the House of Bourbon. The sagacity of the Duke was shown in the same letter in these words:—

"In the mean time I am convinced more than ever that Napoleon's power stands upon corruption, that he has no adherents in France but the principal officers of his army and the employés civils of the Government, and possibly some of the new proprietors; but even these last I consider doubtful. *Notwithstanding this state of things*, I recommend to your Lordship to make peace with him (Napoleon), if you can acquire all the objects which you have a right to expect. All the powers of Europe require peace possibly more than France, and it would not do to found a new system of war upon the speculations of any individual on what he sees and learns in one corner of France. If Buonaparte becomes moderate, he is probably as good a sovereign as we can desire in France; if he does not, we shall have another war in a few years."

The whole of this letter to Lord Bathurst is very curious and interesting, and perhaps embraces as much matter for reflection as any one ever written by his Grace. The follow-

ing sentence in it evinces two of the leading characteristics of his Grace's mind in a marked degree:—

"I can only tell you that, if I were a Prince of the House of Bourbon, nothing should prevent me from now coming forward, not in a good house in London, but in the field in France; and if Great Britain would stand by him, I am certain he would succeed. This success would be much more certain in a month or more hence, when Napoleon commences to carry into execution the oppressive measures which he must adopt in order to try and retrieve his fortunes."

His Grace tells Lord Bathurst that he has men enough, with the Spaniards, to march on into France and "not know where he should stop," but he cannot venture to bring forward any for want of means of paying and supporting them, for, "without pay and food they must plunder; and if they plunder they would ruin us all."

Throughout the whole campaign it is evident that England was strained to the utmost tension to provide for the pay and equipments of her own army and the contingents raised by the Portuguese and Spaniards; that very often she had neither money nor means to transmit; and that in consequence the individual distress was great, while the anxiety and responsibility of the commander must have been intense, and all his movements were rendered more difficult of execution, and the derangement of his plans continually threatened by delays arising from those wants. It is also clear that the available metallic money of the kingdom would not have been sufficient for the current expenses of larger armies.

The restoration of the Bourbons, in accordance with his Grace's instructions, now became the principal object of his thoughts: his judgement and calmness stand forth in bold relief against the puny nonsense of that unfortunate race. His letter to H.R.H. the Duc d'Angoulême dated March 29, 1814, vol. xi. p. 608, is admirable in every point of view, and should be read as an example of force of thought, of independence and high-mindedness, as well as a specimen of a pure and manly style not easily paralleled in the whole range of English literature. We regret that our limits will not permit us to insert the whole of it: the subject is so connected as not to allow of an extract being made without

breaking the thread of the context. On the 4th of May his Grace reached Paris, and having made arrangements for assuming the Embassadorship there, he returned to Toulouse, gave directions for the embarkation of the troops, and then proceeded to Madrid. His object was "to try whether he " could not prevail upon all parties to be more moderate, and " to adopt a constitution more likely to be practicable and to " contribute to the peace and happiness of the nation*." Even the Duke of Wellington could not accomplish that desirable end, and the blundering Bourbon went on in the old and bigoted track, only to stain his restoration with the blood of those who had been among the foremost to defend their country and his throne, and to glut the panders of the palace with the properties of the exiled patriots. His Grace delivered a memorandum (vol. xii. p. 40) to the King of Spain, full of good sense, but which in all probability was never read, as certainly it was never acted on. This document bears some marks of haste, and reads as if it were a vain attempt to direct a foolish, proud and ignorant court.

The Duke of Wellington's arrival in England was the signal for national rejoicing. Every honour was paid to him, and the thanks of Parliament given to him in person. The address to him of the Speaker of the House of Commons is at once classical and ornate, and may be read as a specimen of that style; the contrast with the simple and terse style of the thanks of his Grace, must have increased the effect. The thanks and the reply are in good taste, being well adapted to the relative position of both parties. His Grace now proceeded to Paris, and thence to assist at the Congress of Vienna. There he used all his talent and influence to secure the Bourbons their ancient throne, and to induce the Powers of Europe to assist in the abolition of the Slave-Trade. He failed in both. Those Bourbons have been again driven from the soil of France, and are now wanderers on the earth. The Slave-Trade still continues a foul blot on the escutcheon of every realm but England; and is carried on with accumulated horrors. It ought, at that Congress, to have been declared piracy, as warring against the convictions of Christian Europe; and every man

* Letter to the Earl of Liverpool, 9th May, 1814. Vol. xii. p. 4.

captured while carrying it on, should have been put to death. In one year it would have ceased.

It could hardly have been expected, that so restless a spirit as Napoleon's would subside and practice rural philosophy in Elba. We deprecate the maudlin pseudo-sympathy with that blood-stained warrior. He little recked the wide-spread misery and desolation he had caused from the burning sands of Arabia to the northern confines of the habitable world, merely to gratify his lust for dominion, and his insatiable appetite for the vulgar vanity of success in slaughter. Had he at first been tried and executed for wantonly deluging the Continent with blood, he would only have been treated in accordance with justice, and as every wretch should be, who attempts to follow his example. Suffice, he sailed away from Elba, quitting the asylum he had selected, and which on certain conditions he was permitted to occupy, "and landed with so small a force as showed that he relied upon treachery and rebellion not only for success, but for safety."—Vol. xii. p. 352. His Grace, when discussing this subject, treats, almost with scorn, the opinion that Napoleon was only guilty of a breach of the treaty of Fontainebleau, and considers that without doubt he was guilty of treason and rebellion. With spirit and talent worthy of a nobler cause, he remounted the imperial throne, then prepared and led again armies to the field, in so short a time, that, unless the records were unimpeachable, it might be doubted—even considered a romance. He did so, and broke up, as by an electric touch, the prosing Congress of Vienna, sending them to buckle on their armour and prepare again to meet the scourge of nations, and to contend with him for their independence and their thrones. England—engaged in an idle war with America, which should have been confined to a strict blockade by line-of-battle ships and heavy frigates, and the preservation of her colonies in that country—had sent her veteran troops from Spain to be frittered away in miasmatic swamps and boundless forests, when she was called on to produce incalculable treasure, armies and means of transit, to meet Napoleon and his exasperated hosts in the field of battle. The exertions made by her, the money paid to subsidize those who were even more concerned than herself, and who hesitated to march until the subsidy was forthcoming,

must ever remain on the page of history as the irrefutable proof of her greatness, wealth and disinterested spirit.

The Duke of Wellington was of course directed to take the command of the motley army so hastily got together, which, with the exception of some infantry who had served in Spain, and a few more, was the worst and most inexperienced he ever commanded. He thus speaks of it to Earl Bathurst:—

“Joncourt, 24th June, 1815.

“My dear Lord,—I hope we are going on well, and that what we are doing will bring matters to the earliest and best conclusion, *as we are in a bad way.*

“We have not one quarter of the ammunition which we ought to have, on account of the deficiencies of our drivers and carriages; and I really believe that, with the exception of my old Spanish infantry, I have got not only the worst troops, but the worst equipped army, with the worst staff, that was ever brought together.

“—— knows no more of his business than a child, and I am obliged to do it for him; and after all I cannot get him to do what I order him. Some of the regiments, (the new ones I mean,) are reduced to nothing; but I must keep them as regiments, to the great inconvenience of the service, at great expense; or I must send them home, and part with the few British soldiers I have.

“I never was so disgusted with any concern as I am with this; and I only hope that I am going the right way to bring it to an early conclusion in some way or other.”—*Vol. xii. p. 509.*

This letter is written *after* the battle of Waterloo; these troops were the remnants of the regiments who fought there, until “the English infantry,” says a French writer, “seemed rooted to the ground.” These were the men, of whom his Grace thus writes to Marshal Beresford, eight days after the letter above quoted—“*I never saw the British infantry behave so well.*” So true are his Grace’s words, “That a British army can bear neither success nor defeat”; he is justly incensed at the want of discipline in those men—six days after the last, the greatest victory of modern times. Some may think it would have been more prudent to have suppressed that letter; we are glad to see it printed, as it shows that no degree of success ever led him to relax in that discipline necessary to keep an army in an efficient state.

All the preliminary steps previous to the attack made by Napoleon on the English and Prussians at Quatre Bras, on the 16th of June, are too well known to require any recapitu-

lation. It may be observed, that the severe battle of Quatre Bras is almost lost sight of, from being followed so immediately by Waterloo; but in that action, and while falling back towards Waterloo, we lost upwards of three thousand men. His Grace emphatically warned Blücher and his colleague of the danger of the position they had taken at Ligny, and told them, that he knew an English army must be defeated under the same circumstances. They might have remembered that it was the Duke of Wellington, with some small experience, who had thus so strenuously advised them not to expose their army to useless loss. His Grace, writing of that battle, at three o'clock on Sunday morning of the 18th, the *morning of Waterloo*, in a letter not published, says, that on the preceding Friday he had fought a "desperate battle," that the Prussians were so "roughly handled" that they retreated during the night, which compelled him to do the same, though he had been successful, and had but few troops. It seemed possible that he would be compelled to uncover Bruxelles for a short time; but that event did not transpire. A few hours after that letter was written, the last great battle commenced, and raged the whole of a Sabbath-day, ending, as Europe well knows, in the total defeat and ruin of one of the greatest enemies and tyrants that had ever been inflicted on mankind.

His Grace considered the battle as one of endurance, and says to Marshal Beresford,—“Napoleon did not manœuvre at all: he just moved forward in the old style. The only difference was, that he mixed cavalry with his infantry, and supported both with an enormous quantity of artillery. I had the infantry for some time in squares, and we had the French cavalry walking about us as if they had been our own.”

There is no doubt his Grace knew full well the great importance of that battle before it took place. He knew, too, that the great proportion of Napoleon's army consisted of experienced troops, excited to the highest pitch; while his own army comprised the troops of many nations, and but few of his old Spanish veterans. Those facts, combined with the great stake for which they fought, rendered him evidently more than usually anxious, though he in-

variably said, "that all would be right at last;" for, as he had long before predicted, Europe was in arms against Napoleon*. It was natural that he should be so; and his letters indicate it: we are not, therefore, to wonder, if, when the dreadful fight was over, his feelings, kept so long at the highest tension, gave way, and that as he rode amid the groans of the wounded and the reeking carnage, and heard the rout of the vanquished and the shouts of the victors fainter and fainter through the gloom of night, he wept, and soon after wrote the words we have quoted from his letter. It is in such trying hours that man feels his frail mortality, instinctively turns to God, and referring his actions to the will of Him who guides and governs all things, with reverence says, "the finger of Providence was on me†."

On the 25th, Cambrai was taken by assault, and the King of France and his court were soon after established there. A deputation from Paris soon reached his Grace, requesting him to suspend hostilities, as Napoleon had abdicated in favour of his son, which request was instantly refused, because "he thought it was only to gain time, and he required better security than that for the peace of Europe." His reasons are given with political truth, and will be traced in his letters of the period. That Louis XVIII. was indebted to the Duke of Wellington for his restoration to the throne of France, there is no doubt. The Emperor of Russia and the King of Prussia were by no means favourable to that step, and that fact was known to the King. The Duke of Wellington held a conference with the Duke de Dumas, and after it spoke to this effect to Louis XVIII.:—"It may be your Majesty's desire to be placed on the throne by Frenchmen, and if so, there is but one man that can do it, and that is Fouché; otherwise it must be effected by

* On the 24th of December, 1811, his Grace thus writes to Lord William Bentinck.—"I have, however, long considered it probable, that even we should witness a general resistance throughout Europe to the fraudulent and disgusting tyranny of Buonaparte, created by the example of what has passed in Spain and Portugal; and that we should be actors and advisers in these scenes; and I have reflected frequently upon the measures which should be pursued to give a chance of success."—*Ibid.* viii. p. 482.

† There were but three letters written *from the field of Waterloo*; one to the Duke de Berni, one to Sir C. Stuart, and the one we have quoted, but which we do not find printed in this collection.

"strangers. Indeed, I know of no other man who can do it. "But your Majesty must remember his character, and that "he is a regicide." The monarch replied, "That is of little importance, so that it is by Frenchmen." Subsequently his Grace thus wrote to General Dumouriez :—

"Avant mon arrivée à Paris au mois du Juillet, je n'avais jamais vu Fouché, ni eu avec lui communication quelconque, ni avec aucun de ceux qui sont liés avec lui. Je ne pouvais donc avoir aucun intérêt à son sort.

"Le fait est, que toutes les Puissances, entre autres l'Angleterre, avaient tâché, pendant le printemps et l'été, de persuader au Roi de prendre Fouché à son service, comme moyen de concilier à Sa Majesté un grand nombre de personnes ; et, malgré que je n'aie jamais vu qu'il avait l'influence qu'on lui donnait, j'ai exécuté ce que les autres ont voulu. Les crises de la politique en temps de révolution ressemblent beaucoup à celles d'une bataille ; et on est souvent dans la nécessité d'y appliquer des remèdes violens, qui ont peut-être des suites fâcheuses, pour remédier au grand mal existant. Voici l'histoire de la nomination de Fouché. A mon arrivée près de Paris je savais que les alliés n'étaient pas du tout déterminés en faveur du Roi," &c.—*Ibid.* xii. p. 649.

The capitulation of Paris soon followed, and there his Grace raised by his conduct the character of England. He not only prevented the deeply-injured and indignant Prussians from destroying the column in the Place Vendôme, and also the bridge of Jena ; but he facilitated the restoration of the works of art which had been stolen from the countries overrun by the armies of the revolution. His Grace was appointed the Commander-in-Chief of the Allied Armies of Occupation in France, and gained in that capacity the respect and esteem even of his enemies. Among the many perplexing occurrences which must have daily transpired, none was more closely observed or more severely commented on, than the condemnation and execution of Marshal Ney. There appears no difference of opinion as to the foolish policy of destroying a man who had so well supported the military reputation of his country, whether he deserved death or not. It has been loudly proclaimed by many, that the Convention of Paris protected him, and, that his Grace was bound, under that Convention, to have required his liberation. In vol. xii. p. 694, is a long memorandum by his Grace on that interesting subject, which proves beyond refutation that the Convention of Paris "was exclusively military, and was never intended "to bind the then existing Government of France, or any go-

"vernment which should succeed it." As the Convention did not embrace the case of Ney, the non-interference of the Duke personally in his behalf with Louis XVIII. is the next point on which many condemn his Grace: and information respecting the acts and character of Ney may, very probably, have been possessed by the Duke, which might privately lead him to think, that Ney was not a man for whom his influence could be justly used. Again, his Grace, being a reflecting man, would not have made any application likely to be refused. Interference was a very delicate matter; and we think, that as his Grace was not in a position with the court of France, *as we will show*, to ask a personal favour with a chance of success, that he was right not to ask any. Secondary influence might have been resorted to; whether any was used we have no data on which to decide. About this period the manner of the King of France to his Grace induced him to observe it more closely. Being summoned to attend the investiture of the Duke de Berri with the Order of the Fleece, his Grace walked up and bowed to the King, who deliberately turned his back on him. The Duke, with his characteristic caution, determined to prove whether the act was accidental or premeditated, and going round, again faced the King and again bowed. The monarch repeated the insult, on which his Grace instantly left the palace, with the determination never to re-enter it. The bearing of the courtiers was equally marked, showing that this conduct had been contemplated. Three weeks elapsed, and the Duke did not reappear at Court. The Comte D'Artois one evening called on him, and began by observing, that he had not been at the Tuilleries. The Duke instantly replied, that it was his intention not to go there again. The Comte trusted that the apparent manner of the King would not have such an effect, as it was done in a moment of irritation. His Grace replied in effect, "Sir, circumstances have, these last
 " eighteen months, placed me, *an English gentleman*, in constant communication with Emperors and Kings, and I never
 " before received an insult, or would have suffered it to pass
 " unnoticed. The King of France knows that I have placed
 " him on his throne; he knows, too, that I hold a high and responsible position as Commander-in-Chief of the armies
 " here, which, if withdrawn, would leave him in a condition

"which it would be unnecessary to detail. I will never again, "Sir, enter the Palace of the Tuilleries." The Comte D'Artois burst into tears and said, "You have been insulted, but forgive us—pardon us, it shall never again occur." His Grace rejoined, "As an English gentleman I can never re-enter the Palace." The same evening the King sent to beg his attendance; he accordingly went and was most graciously received, and all the courtiers were most obsequious. After the Duke had retired, the King turned to the Duke de Dumas, and said, "You see the Marshal has made me the *amende honorable*." The anecdote has been related by the Duke de Dumas, and was made known to the Duke of Wellington many years after, who expressed no surprise at it, as he probably knew the character of the King. At that same period, was the trial and condemnation of Ney. Under the circumstances, the Duke could not at that time have made a personal application, or have interfered in any way with Louis XVIII. As a soldier, Ney deserved to die the death he met. As a matter of policy, it seems weak and vindictive to have shot him; it could only be productive of feelings of disgust and enmity, without any corresponding good being obtained.

The Allied Armies being garrisoned in France, that country was prevented from evincing discontent and revolution by any overt acts of insurrection. The long-continued wars had tired even that belligerent nation, and, for a time, the occupations of peace succeeded to the din of war. The vaunting self-love of France had been humbled to the dust, her military idol had been cast down, and her soil, on every side, been subjected to the armies of nations whose capitals she had invaded, whose princes she had supplanted, or whose commerce she had tried to ruin. Her renowned generals had been beaten by a handful of English troops led by the genius of Wellington, and some miserably-equipped allies, from Lisbon to Bourdeaux, and, subsequently, with the legions of indignant Europe, from the confines of Germany to Paris. France was subdued, and made to feel (most leniently) the humiliation of the restoration of territory and plunder, and the punishment of retribution. The great moral lesson was of more use to Europe than to herself; for, mentally, the nation was not in a fit state to profit by the punishment,

while the vengeance of wounded vanity and the irrefutable fact, that she was far from being the first in the game of war, rankled in the bosoms of her people, and too often showed itself in her intercourse with England and other nations.

The family of Napoleon fell with its Imperial master; but without the slightest hope of success, and with but little talent to support their pretensions, soon began again to plague the world, and have continued so to do from time to time.

The first attempt is but little known, and is as curious for its futility of purpose, as for its ridiculous presumption. It was as follows:—In 1816, Prince Metternich communicated to the Duke of Wellington, that a serious conspiracy existed in Italy, at the head of which was Lucien Buonaparte, and whose object was to overthrow the Pope and raise a republic in the papal territories. Its existence was known to Lord William Bentinck. His Grace selected the present Major-General Sir Patrick Ross, to communicate the fact to Lord Castlereagh, and that officer committed to memory the names of all the conspirators, and proceeded on his mission. His Lordship gave no directions to the Duke through Sir Patrick Ross or otherwise, and the matter was allowed to wane away, after some secret measures had been taken by the Austrian Cabinet. The directions given by the Duke to Sir Patrick Ross, are proofs of his consideration for the lives of the misguided and unreflecting men who had been deluded into a scheme which would have fitted the inmates of a lunatic asylum.

Much uneasiness was, about the same period, felt in England, at some dissensions of a religious character which had taken place, more particularly in Central France. Sir Patrick Ross was again selected to proceed to that country and make a report to the Government of the actual state there of the Protestant Church. After a very careful investigation, a masterly state-paper was delivered to the Government, which traced the proceedings of, and towards that Church, from the revocation of the Edict of Nantes to the days of the existing dissensions, with such minute precision, as to call for the highest approbation of the Cabinet. The Duke expressed his interest in so great a question, and forwarded, with the caution requisite on so delicate a subject, the necessary investigation.

It is hardly possible within the circumscribed limits of a Review, to give more than an outline of twelve large volumes; we only trust that we have given enough to induce every one who wishes to be informed of the history of that eventful period, to read the volumes. Colonel Gurwood has shown his good taste and judgment in compiling the work as he has. The simplicity of its arrangement, the unblemished truth of the details, which impress themselves on the mind of the reader, give to it a charm, which no other work, within the compass of our reading, possesses. As soon as the mind becomes once warmed with the subject, it is never oppressed by the long-continued similarity of the matter. A memorandum of operations which has riveted the attention, is relieved by a discussion, a reproof, the account of some active warfare, indignant complaints of the neglect of his soldiers, an argument on sheep, rice, camp-kettles, or a staid communication to some Crowned Head, or Minister of State; so that the daily events, great and small, are marshalled as they transpired, giving a life and reality to the work, and almost carrying the reader back to the time. While thus employed, he feels that he is deriving information of the period from the only true and unadulterated source; and as the narrative proceeds, the character of the Duke is naturally developed by the facts and his own delineations; while the disquisitions on great events to the then rulers of the world in their different departments, instruct while they entertain, and must improve every attentive reader, by informing him of the nature of great affairs, and the method of conducting them, with men of every grade, from the Imperial Autocrat to the private soldier.

Colonel Gurwood has been the cause of a history being given to the world, free from all conjectures, not dependent on doubtful authorities, or veiled by the bias of a compiler—a history of facts, written by the chief actor, of matters which men's outward senses could judge, of which the records were penned at the time they occurred. No other such history exists. The nearest approach to it are the Commentaries of Cæsar. The public must know that such a vast compilation could not be completed without a great degree of labour and expense to him. But when the original edition is all sold, we trust that it may be diffused by a periodical publica-

tion of the volumes at a price which will enable the middle orders of society to possess them. We say this because we believe that they would have a tendency to instil into the mind the highest principles of action, and the most perfect method and manner of conducting the affairs of life.

The remainder of our task is purely critical. The style of a warrior in active command of armies under the greatest difficulties, would be shielded from criticism: that of the Duke of Wellington invites it. After much consideration, we think it among the purest specimens of the unornate style in our language. Excepting when technical terms are used, the words are the purest English. The object appears to have been to express in the clearest and shortest way the idea intended to be conveyed, and always to keep the ideas single. His Grace never attempts to strengthen them by antithesis, or supports a reason by comparison; he never uses an epithet, or intrudes an expletive; the most simple terms are always selected without producing baldness, or sinking to vulgarity. Elegance and force are combined in many of the letters and more important documents, which being the vehicle of truths and high-minded intentions, become models of composition. His style and his mind are in perfect keeping, as far as we are able to judge from the volumes,—the latter intent on his objects, the former conveying the results of its various powers. It cannot be considered as the highest style, but as the highest of its class, and admirably adapted to its purposes. By persons of congenial minds, it would be pronounced perfect; by others, it would be pronounced the style of a mind which never looked beyond the fact. There is no attempt at euphony; but the fitness of the terms and their proper positions make the want of it scarcely perceptible. Not one of the artifices of composition is ever practised. It is, perhaps, the natural style of a high, powerful, matter-of-fact intellect, polished by habitual intercourse with the highest classes, and perfected in ease and force by long and continual practice.

At the commencement of these observations we gave, in general terms, the impression produced of the Duke of Wellington, from the perusal of these volumes. It is now our duty to enter more into detail.

War is a scourge of God, and the details even extracted in

these pages are sufficient to create abhorrence of it in principle and practice. It is the occupation of ambitious barbarians, the charm of the ferocious and the vulgar, and the delusion of the vain and the reckless. It belongs to an era now passing away, which may be termed the pseudo-political and the warlike. The last great battle which deposed Napoleon and gave peace to Europe, may be said to have closed that era. The trifling expeditions and civil discord now continuing, have no connexion with a great war like that which ended in 1815; they are only proofs of the depravity and cruelty of men. But there are two kinds of war,—the one of aggression, the other of resistance; the former is the kind we condemn,—the latter, *properly pursued*, is acting in conformity with a law of nature—self-preservation, developing the force of intellect and resolution, and calling into action many of the highest of the human faculties. That kind of warfare excites admiration and respect.

The Duke of Wellington led the armies of two invaded countries who never exemplified those high qualities. Our own army bore no resemblance to an armed population steadily resolved to conquer; it was an army brought into discipline, and kept in it by a mixture of influence and the lash, and who were like lions in leashes. Compare the heroic valour, unanimity of action, and heavenly-mindedness of Henri Arnaud and his countrymen when they recaptured their native haunts in the Alpine valleys of Piedmont, with all that was ever done during the last great war, and it sinks into insignificance. The avowed objects of *all* Napoleon's wars place them amongst the lowest and most degrading occupations of mankind, and brand the application of the energies and mental powers necessary to prosecute them, as the perversion of every feeling which might otherwise have raised our conceptions of the powers of the human soul. The Duke of Wellington stands in a position which has never before been fairly delineated, and will lead us to an analysis of the practical qualities of our nature, as developed in him, which, if anything could, may add to the estimation which every reflecting man must feel for him. He commanded armies destined to conquer territory, or to repel aggression and invasion. Those armies were not influenced by the high and patriotic feelings of which we have spoken. But every public act of

his Grace, as shown in these volumes, depicts him as actuated by the highest views, the justest feelings, and a sense of duty which seems never to have been turned from its course.

There were without doubt many in his armies whose views and feelings were of a similar stamp; but the majority were mere soldiers, ready to advance or retreat, to fight or plunder, as either circumstances required or opportunities offered. From first to last he is never the mere soldier, but the diplomatist whose inviolable faith made rulers and nations depend on his word as a shield between them and injury; the dispenser of justice which kindled the sincerest sentiments of gratitude in the bosoms of those over whom he ruled; the consistent supporter of discipline in his armies; and the equitable distributor of rewards to the deserving. Economical of the public money and of all public supplies, he compelled to the utmost of his ability every subordinate to follow his example, and treated with scorn and anger every attempt at peculation and unfair dealing towards the Government: he was an uncompromising reformer of every abuse, in every department over which he could exercise control; a cautious, active, bold, prompt and sagacious general, who never uselessly sacrificed his men, whose untiring forethought was continually exercised in saving them from undue hardship and danger, and whose talent and experience in military strategy led to a dependence on his commands which has never been exceeded.

From the volumes may be deduced these prominent characteristics. Great quickness of perception, kept under the guidance of unceasing caution, while a clear, close-reasoning, powerful judgement made deductions which were seldom changed unless new circumstances arose to require it; great facilities of resource, so that no difficulty seemed to be insurmountable; firmness of purpose and perseverance, supported by a strong sense of justice; general feelings of consideration for others, often expressed in polished language; simplicity of purpose and expression, showing that its strict observance was estimated as *power*, and connected with the necessary self-dignity of high position; a consciousness of mental capacity, producing great self-reliance, with a grasp of intellect which could embrace, without confusing, the most opposite and varied subjects. There does not appear the slightest indica-

tion of imagination, or of those qualities which usually accompany the possession of it—among them, *enthusiasm*, which, in his opinion, “is, in fact, no aid to accomplish any thing, and is only the excuse for the irregularity with which everything is done.” Neither in these volumes, nor in any other work, have we seen any marked indications of the estimation of the merely beautiful. Mistrust, a quality so closely allied to caution that it is difficult to separate them, is evident in every page: “I mistrust the judgement of every man in a case in which his own wishes are concerned.”—(Vol. iii. p. 642.) When in India, a sum of money is received for the uses of the army—and is said by the Duke to be “under an officer’s guard opposite his tent.” The whole tenour of the volumes indicates that useful quality in constant operation.

Let any of the leading characteristics of great and successful leaders of ancient or modern times be carefully considered, and much resemblance will be found in them to the Duke of Wellington in some of those characteristics. Charlemagne, Cromwell, Washington, were all men with similar qualities in different degrees, and none of them with imagination, enthusiasm, or marked feelings for the merely beautiful. If such an expression may be permitted, his Grace stands the first among those intellects which may be termed utilitarian, and to which the great names we have just quoted are allied. Whether the unconfined sublimity of a Milton, whose spirit was too ethereal not to rise on the wings of thought and imagination, and to taste before his time of a life beyond this—or the intellect of a Shakspeare, which delineated with unerring power the minds and manners of a world, and floated at will on the wings of fancy, or guided with steady hand the high imaginings of that unseen, immortal power bestowed on man, are of a higher order, let others determine. Between the two stand the scientifically useful, who, from investigating the laws of the universe, lead the soul to the adoration of its Creator.

Which are the highest faculties bestowed on man? Conscientiousness, justice, firmness, caution, judgement, perception, perseverance, all in high degree, or those of the order we have referred to? A combination would be superior to either separate. It may be a question, if the powers of Milton or Shakspeare, superadded to those of a Wellington,

would not effectually have prevented the latter from pursuing the course he did; while his mistrust and caution, and continual reference to facts, would have checked effectually the flights of fancy, and the richer gems of illustration and thought, and of ideas that leave their impress on mankind. A great and triumphant career, directed by a genius for war, guided by high-mindedness, instructing by precept and unsullied example, must also leave a useful impress while history lasts. If the sternly practical cannot be allied to the ornate, imaginative and sublime, and still with equal certainty perform its duties, we must reflect, whether those thoughts that wander through eternity, and give some faint glimpses of the ethereal nature of our immortal part, are likely to be productive of more positive good by abstractedly elevating the mind, than the every-day practice of those qualities on which the order and stability of society depend.

In the first part of our observations it was unhesitatingly said, that the great series of events which had begun to transpire, when the Duke of Wellington and Napoleon (who were born in the same year) appeared on the arena, formed a part of that series, which, directed by Providence, was leading to some great conclusion. Perhaps hereafter we may enter boldly yet cautiously into that exciting subject; now we must confine ourselves to those prominent and general points which may interest the reader as being closely connected with the operations of the period comprised in these volumes. It was mentioned, that those men selected to carry through to completion the views of Providence, must be trained to their work, and that the training of both had produced the opposite results; preparing the one for permanent triumph, the other for defeat. The state of Europe was given in outline. The wars of revolutionary *France commenced near the field of Waterloo, where they terminated.* France, with a population nursed in anarchy, blood and infidelity, became as it were a vial of wrath poured out over the face of civilized Europe. Her legions were commanded by a vaunting leader, surrounded by upstart satellites, whose objects seem to have been indefinite, and generally were satisfied with plunder, and the inflation of a vanity which led to repletion on usurpation, desolation and slaughter. After having been made the scourges of the north, the degraded and besotted countries of

Western Europe were to receive at their hands the chastisement required to rouse them from their moral lethargy. None but leaders and men equally devoid of all the higher sentiments which should stimulate mankind to action, could have been made the invaders of nations who had never injured them, and there have rioted in every cruelty and excess. No sooner had the punishment been inflicted, than the instruments were to be destroyed. Some sleep in the desert sands of Syria and ancient Egypt, destroyed by the same nation which swept the last remnant from the field of Waterloo; thousands and tens of thousands perished amid the howling tempests and snows of Russia; whole legions were hunted to their graves from Silesia to the Rhine; Spain and Portugal, incited and led on by England, strewed their insulted realms with the bodies of their invaders, and turned the fertile valleys of Southern France into sepulchres of the armies which had desolated their homes. Those who had manned her navies, either dyed the ocean with their blood, or were left to long reflection in prisons remote from the intercourse of men.

Thus passed away the greater portion of the generation of revolutionary France. What the beneficial and final results of those dreadful punishments will be, are yet to be known. They have begun; and, as the mental progress of nations is, in its main stream, as irresistible as the torrent or the ocean tide, it can only be hoped that rulers will arise to direct its course into channels which will diffuse security, peace and happiness. The leader of the hosts who were the aggressors, and the commander of those who conquered and destroyed them, were as different as their objects. Their talents, faculties and dispositions were exactly adapted to the purposes for which they were intended; their training such as called into action the very faculties which would lead the one to his intended destruction, the other to his permanent success.

Both possessed great military talents, quickness of perception, readiness and apprehension, and facilities of resource: however profound the combinations, both appear to have avoided duplex or complex operations, and seem to have generally waited the results of success:—there the similarity seems to end. One of the characteristics of the Duke of Wellington is simplicity, while in Napoleon mystery and bombast were rife. The former never was known to be

for a moment led by success from the calm and cautious forethought which marks every act ; the latter seemed to become inflated with success until he thought defeat impossible. In difficulty and distress Wellington was ever thoughtful, ready, calm and firm ; Napoleon in adversity talked instead of thinking, became confused, irritable and weak of purpose. Wellington's *self-reliance* increased with danger ; and when others were appalled at the duration of the dreadful contest, the word was given that won the field of Waterloo ; Napoleon in distress lost his self-reliance ; he led his army by the wrong route from Russia, then left it to others to extricate, and striking his staff in the frozen snow, exclaimed, "*It is written in heaven that henceforth every step shall be a fault ;*"—he did not conquer or die in the last great fight for empire,—but he quailed before he sought the protection of an English seaman, and lived in his exile without dignity or calm submission to his lot. Justice, highmindedness and truthfulness of purpose mark every public act of Wellington ; fraud, usurpation, midnight murder and crooked policy darken the career of Buonaparte. The one always adapted his means to his ends ; the other, impatient of restraint and delay, left what could not be prepared to chance and plunder. The English hero led on his own soldiers to the performance of duties due by them to their country and the world ; the Emperor of France incited his armies by appeals to empty glory and inflated vanity, by impious inferences of destiny and dreamy boasts of invincibility.

The English general was trained first in adversity and defeat ;—then, where every military equipment was to be provided, where a tortuous policy required unceasing vigilance, and where the just administration of the *matériel* of an army had never been before maintained,—then surrounded by jealous and weak allies, and opposed to the most renowned generals and troops in the world. The chief of the armies of France was flushed in early manhood by extraordinary success and constant victory, then by the acclamations of legions, and the acquisition of imperial rank, combined with unbounded power, and the submission of the crowns of many countries. The career of the former added to the power of every natural faculty necessary to ensure his renown and triumph ;—the career of the latter fostered every failing and

every weakness which, when opposed to his rival, were certain of leading to defeat and irretrievable ruin. WAS THE FINGER OF PROVIDENCE THERE?

The General Orders of Field-Marshal the Duke of Wellington in Portugal, France and Spain, &c. from 1809 to 1818.

THESE orders were all written in the Duke's own hand, and constitute a manual which ought to be a vade-mecum of every officer, as they comprise directions on every subject relative to an army in every situation, and of every circumstance connected with its civil administration, discipline and consequent efficiency. The volume contains so many curious things, and illustrates so many minute points, that every possessor of the "Dispatches" should purchase it as a necessary supplementary volume.

The introduction is a very masterly, instructive and amusing document, and gives the actual proceedings of an army on the march from the first bugle blast that roused them from their slumbers, to mounting the deadly breach, so graphically, that every movement is brought before the mind, and leaves a clear impression. We have learnt that it was written for a high-named periodical, and returned as being too purely professional! No matter: it is luckily before the world,—not in an ephemeral shape. We trust that it and the "Dispatches" may be brought out in cheap and uniform volumes; they must be of use among all classes, as containing lessons of economy, forethought and prudence.*

* Since this article was printed, a French work lately published has attracted our notice. It is called, "*Journeux des sièges faits et soutenus par les Français dans la Péninsule de 1807 à 1814; rédigés d'après les ordres du Gouvernement sur les documents existant aux archives de la guerre et au dépôt des fortifications. Par J. Belmas, chef de bataillon du Génie. 4 vols., avec atlas et planches.*"

The title may carry with it some claims to authenticity and truth. Although the work is certainly less partial in the narrative of the events of the Peninsular War than most others written by French officers, it is full of incorrect, or to speak plainer, of false statements. In the last number of the Quarterly Review, there is an article under this title written by some one evidently not a military man, and not acquainted with the campaigns of the Peninsula; or many misrepresentations and falsehoods would have been detected, which from being thus unnoticed become uncontradicted history. We point out one among many, vol. i. p. 235. "Lord Wellington fit son entrée à Madrid le 12 Aout avec 30,000 hommes. L'ivresse avec laquelle il fut reçu fit bientôt place à d'autres ardeurs, lorsque'il frappa cette ville d'une forte contribution." This is purely a French phrase and fiction, and we proclaim it to all Europe, that it is false; for, from the best authority, we can assert that the duke of Wellington never levied a contribution at Madrid or elsewhere.

ARTICLE VI.

1. *Jack Sheppard. A Romance.* By W. HARRISON AINSWORTH, Esq. 3 vols. Bentley.
2. *Michael Armstrong, or the Factory Boy.* By FRANCES TROLLOPE. Nos. 1. to 10. Colburn.

THERE are signs in the present literary times, which, we think, claim importunately the strict attention of the public. They do not reveal themselves only to the keen searcher of nooks and corners, neither to catch their interpretation is a fine ear required; but they stand plainly evident in the highways; and the sound which accompanies them forces itself upon the notice through all that Babel of mingled discord and harmony, which (to speak fancifully) makes up the voice of life in England. The sign to be treated on the present occasion, is the condition of our lighter popular literature; a subject of serious importance, when viewed in conjunction with that grave and complex question, now occupying so prominent a place in our discussions—the education of the people.

As text to the considerations which follow, we avail ourselves of Mr. Ainsworth's last romance, which has gained him so bad a notoriety; and of Mrs. Trollope's attempt to rival Mr. Dickens, which, fortunately, has failed to increase a bad notoriety already gained. But, in the outset, we must observe, that, considering "Jack Sheppard" and "The Factory Boy" merely as the legitimate children of a long line of ancestors—as the cousins-german of many other works approved, for their tendency, by the feeling and philanthropic,—the protest here offered against them is no echo of that cry of astonished Innocence suddenly awakened in the midst of a dream of human perfectibility, which has been raised by some; still less, a chorus to that Anathema which a compulsory advertence to decorum has extorted from others, and those the very persons whose plaudits and sympathy have fostered their production. Well is it, that the press should raise its voice, and declare that this attempt to reproduce in the novel the jail-bird and the house-breaker, is vicious and offensive;—well, that it should denounce the half-a-score of minor thea-

tres crowded with the waifs and strays of the London streets to applaud agonizing scenes which had been spiced with their last groans and convulsions under the superintendence of Mr. Ainsworth himself,—to admire vivid *tableaux* arranged by his roadjutor, Mr. Cruickshank; the latter, alas! how sadly sunk from the high moral position he might have occupied as Hogarth's far-off successor! Well is it, that every police-case of crime and misdemeanour springing from this Jack-Sheppard mania, circulating among the idle and untaught myriads of St. Giles's and St. George's fields, should be brought forward and illustrated in severe italics. But better would it be if that same press could acquit itself of having begotten the monster now found so noxious—of having sharpened, if not created, that unwholesome appetite, which could not fail, at last, to condescend to garbage—of having hastened that movement, the final direction of which was the mire and the foul odours of the kennel!

In examining how far the press has or has not done this, and in illustrating our inquiry with facts and testimonies not easily to be put aside, the somewhat unusual course presents itself, of dwelling for awhile upon a detail previous to approaching the general features of the subject,—that detail being the career and position of Mr. Ainsworth as an author. To describe this will be neither a long nor a difficult task. Mr. Ainsworth possesses the merit of being neither hasty nor frequent in his intercourse with the public. His early tale "Sir John Chiverton" is known to very few, and only to be regarded as an evidence of promise. If intermediate works there be, betwixt its appearance and that of "Rookwood," they have slipped out of sight:—for it is upon that romance and "Crichton," its successor, that the renown was based, which has now spread from boundary to boundary of the empire of the New Police, and too far, we fear, within the jurisdiction of many a county magistracy.

It is needless to recapitulate the incidents of the plot of "Rookwood." The author's manner of working is more to the purpose. As it is now (and the sign is worth noting) required of almost every writer of a certain popularity, to account for his dealings with the public by the profession of some intention or prevailing idea;—the compounder of that

strange mixture of slang, sportsmanship and sorcery, would probably say, that his tale was elaborated in illustration of the same solemn word as that to which the morbid splendours of Victor Hugo's 'Notre Dame de Paris' owe their accumulation. Destiny would probably bear the blame of the scenes in the church-vault and the doings of the fiend-like sexton—Destiny would be brought to apologize for the monstrous wickedness of lady Rookwood in her husband's sick chamber—Destiny would be alleged to be the mover of the atrocities of the gipsies' haunt,—scenes, one and all elaborated with the utmost pains,—in their turgid distortion caricaturing the wildest extravagances of Maturin, but unredeemed by any glimpses of that poetical spirit, which, with all his tawdriness, Maturin possessed. Of this we hold Mr. Ainsworth to be devoid; celebrated though he be among his admirers, as successful in that sweetest exercise of poetry, song-writing. He can select the thoughts and images which arrange themselves effectively in a lyrical form, and make up a burden certain to catch, if not to keep, the ear; he is familiar with the quips and contrivances of versification; but of that melody of the heart, with which every lyric of Shakspeare and Ben Jonson overflows, and which our modern song-writers, Burns, Beranger and Moore, in a less measure possess, he has nothing. Not one of his songs has *struck root*. And it is the deficiency of this true poetical spirit which makes his prose descriptions labour as they proceed. Not one single touch or colour in them has of itself any significance. Effort is laid to effort, word piled upon word, allusion tacked to allusion, with as florid a liberality as that of the Irish street-ballad maker, who intending to extol the charms of his mistress, compares her to "the famous duchess of Bavaria and Dido the African Queen." With much care, there is no force of dialogue; with much parade of wit and passion, never an exclamation or a repartee which either Tragedy or Comedy would consent to own.

Of the assertions we have just made, it may not be amiss to offer proof, by citing a passage from each of Mr Ainsworth's novels, chosen rather with regard to brevity, than as offering the fullest illustration of the positions we have laid down which could be found. The first, taken from "Rook-

wood," is a fair specimen of our novelist's skill in recording the utterance of violent passion. The scene is one of suspense and excitement;—the widowed lady of a guilty husband is broken in upon by the rightful heir, long deemed a natural son, at the very moment when she has received the proofs of his legitimacy, and is distracted by her own evil promptings towards crimes by which these may be suppressed. A long series of portents and preparations, as pertinent as the two morning guns in "The Critic," has preceded this interview. The injured son speaks:—

" 'Look here,' and clutching her hand *he drew from out the folds of his waistcoat the skeleton hand of his mother, in the bones of which the broken blade was sticking.* [!] 'This dead hand, which has, this instant, in all probability preserved my life', [lady Rookwood having attempted but an instant before to silence his claims by the stroke of the penknife,] 'was my mother's; it has done this, it will do more,—it will accomplish all the rest. See,' added he, stretching forth the shrunken finger, and placing it close by lady Rookwood's hand, who recoiled from contact with it, as from the touch of a scorpion, 'That ring was placed where you now see it before your own was proffered—that cold hand was pressed to your husband's at the altar, before his faith was plighted to you. His faith to her was broken; but the vows he broke were *marriage vows*. The living hand may part with its ring to another—the dead will retain possession while matter shall endure. Compare them together. The one through her brief life was ever gentle, ever kindly, ever yielding; the other grasping, stern, inexorable. That is instinct with vitality, with power—this incapable of motion—dead. Yet shall this nerveless hand accomplish more than the living. Years have flown since this ring was placed upon the finger; yet hath it not corroded, nor relinquished its hold. Look at it, lady.—consider it well, touch it, examine it—'tis real, actual, your own in shape; in substance; in design—for the same holy end procured, with the same solemn plight bestowed; all the same, save that it was the *first*, ay, the *first*; let that convince you. With what a voice this silent circlet speaks—how eloquent—how loud! I have no other witness—yet will this suffice. Of those to whom I owe my being, both are dead. Can neither answer to my call: She sleeps within the tomb that now yawns to receive him: he is on his way thither; yet *this* remains to answer for both—to cry out, as from the depths of the grave, for justice to me. Look at it, I say: can you look, and longer doubt? You cannot—dare not—do not. I read conviction in your quaking glance—in your averted countenance.' "—*Rookwood*, vol. i. pp. 285-300.

And this, according to Mr Ainsworth's next paragraph, is a specimen of "the eloquence inspired by intense emotion, "so vivid that it never fails to produce a convincing effect, "even upon an auditor the most determinately incredulous"!

The second fragment affords proof of the manner in which words take the place of fresh, creative thoughts in Mr. Ainsworth's descriptions. It is a part of his portraiture of Crichton the Admirable, whom, it is not unfair to assume, the author himself saw, and wished his reader to see, more clearly than the subordinate personages of the story :—

“ The countenance of Crichton was one that Phidias might have portrayed, so nearly did its elevated and ennobled character of beauty approach to the ideal standard of perfection erected by the great Athenian sculptor. Chiselled like those of some ancient head of the Delphic God, the features were wrought with the utmost fineness and precision—the contour of the face was classical and harmonious—the *mens divini* breathed from every lineament—the lips were firm, full, and fraught with sensibility, yet giving token of the most dauntless resolution—the chin was proudly curved—the nose Grecian—the nostril thin and haughty as that of an unbroken barb of the desert—the brow was ample and majestic, shaded by hair of the lightest brown, disposed in thick ringlets after the manner of the antique. There was a brilliancy of colour, and a sparkling freshness in Crichton's complexion, the more surprising, as the pallid hue and debilitated look of the toil-worn student might more naturally be expected in his features than the rosy bloom of health. In compliance with the fashion of the day, a slight moustache feathered his upper lip, and a short-pointed beard clothed his chin, and added to the grave manliness of his aspect. One blemish, if such it could with propriety be termed, existed in Crichton's physiognomy. Around his right eye was stamped a faint roseate mark, as is evidenced by Aldus Manutius, who, in his dedication to Crichton of the *Paradoxes* of Cicero, has said, *cum te omnes signo rubæ rosæ, quod tibi Natura circa dextrum lumen impressit, tanquam unicum et raram in terris avem, homines cognoscerent.* This defect would be scarcely worth mentioning, inasmuch as it by no means detracted from the beauty and expression of his countenance, and indeed could scarcely be detected except by very near observance, were not its statement necessary to the perfect individuality of the portrait which we wish to present to the reader.”—*Crichton*, vol. i. p. 67.

It is hardly necessary to advert to the total want of innate power in this description, which makes it necessary for the author to quote authorities, and give his reasons for quoting them, by way of finish to his picture. If any novice in composition would wish to consider the results of the opposite manner of working, let him turn to Sir Walter Scott's slighter portraits; those, for instance, of Richard of England on his sick bed, and Saladin the Soldan by the Diamond of the Desert, in the *Tales of the 'Crusaders.'*

It may seem strange to all, who, like ourselves, in the

passages just exhibited, discern that feebleness in which "desire outstrips performance," that the critics of the hour should all but unanimously have hailed "Rookwood" as a work of vigorous and original genius. It may appear stranger still, that a novel, so completely belonging to "the literature of Despair," as Goëthe called the works of the modern French *convulsionnaires*, should have been welcomed the most loudly by those very parties whose aim it has always been to exalt the contemplative school of poetry above that which they were pleased to denounce as the Satanic school;—those very parties who raised up Wordsworth as their divinity, and delivered over the rhapsodical passion of Byron to the neglect and aversion of all good men. Of the general causes of an inconsistency so glaring, we have something to say presently. The immediate reason for the praise and popularity lavished on "Rookwood" lay in the episodical introduction of Dick Turpin the highwayman, and his celebrated ride to York. For such an *avatar* the public was thoroughly prepared. During the temporary ebb of Scott's popularity, Bulwer, in his restless and versatile search after the means of producing new sensations, had already begun to rummage the slang dictionary and the pages of the Newgate Calendar. Romance had uttered the strange jargon of the "Knights of the Road" in Paul Clifford, and an attempt had been made to illustrate philosophical truth by exhibiting in Fiction's gay colours the crime of Eugene Aram, and its lamentable consequences! and the public, in place of the Laras and Manfreds, in whose gloomy and majestic despair it had so lately rejoiced, had accepted for favourites these beings less magnificently criminal, but far more familiar. We are not blaming the novelist for his choice; it was the result of circumstances: and let us not forget how he was thereby exposed to critical attack and ridicule,—not merely by those who like ourselves object to all such works on principle; but with a most unanimous virulence by the very Tory periodicals and journals, which were the foremost and loudest to cheer on Mr. Ainsworth as the Magnus Apollo of modern fiction. As regards the latter, since the public had testified its willingness to sympathize with the lowest of those lawless beings whom physical power and guilty daring place in a position

observed, but not elevated,—it was only natural that one so aspiring, but so devoid of original inspirations, as the author of “Rookwood,” should “take to the road” with a simpler and more straightforward purpose than his predecessor;—namely, that of ministering to the love of excitement, and that universal passion for pursuit, which so recently we attempted to analyse*. The highwayman, exhibited as an exponent of a corrupt and ill-balanced social system—the murderer imperceptibly seduced to crime and remorse by an overmastering thirst for solitude and knowledge,—addressed themselves to the few; but the many could sympathize with the coarse courage, the reckless daring, the flashy gallantry of the footpad or the outlaw. From wonder at his feats, it was but a short step to breathless interest in his escapes: and such interest became not only natural but laudable, when a few flowers of filial affection, devoted friendship, or unselfish passion, were stuck over the character,—no matter how heterogeneously—by way, (to borrow a forcible metaphor from Scott) of “gilding its gibbet-irons”! The feelings attacked by Mr. Ainsworth are clearly pointed at in his mottoes. At the head of book fourth of “Rookwood,” for example, we find the following:—

“Many a fine fellow with a genius extensive enough to have effected universal reformation, has been doomed to perish by the halter; but does not such a man’s renown extend through centuries and tens of centuries, while many a prince would be overlooked in history, were it not the historian’s interest to increase the number of his pages? Nay, when the traveller sees a gibbet, does he not exclaim, ‘that fellow was no fool’! and lament the hardness of the times?”—*Schiller*.

It is, then, our deliberate judgement, that to its idea and tendency, rather than to its execution, “Rookwood” owed the success which displaced the Marquis of Granby’s head from its post of honour in many a tap-room north of the Trent; and deposed the freaks and follies of Dr. Syntax from their shrines in the barbers’ shops, to make way for the pictured “ride to York.” Let us, however, do Mr. Ainsworth the justice to say, that he showed no disposition to abuse his fame, or to presume upon public favour, by a rash and con-

* See British and Foreign Review, No. XVIII., Art. “Confessions of a Thug.”

temptuous flimsiness in his next essay. Having been dubbed the Victor Hugo of England by some of his indiscreet admirers, it was not unnatural that he should seek to measure himself directly with the romancer of "Notre Dame;" and the care and study obviously bestowed upon the production of "Crichton" are the more honourable, as being in opposition to the general habits and spirit of that class of literary labourers, who, at the present day, devote themselves to that hardest of all tasks,—namely, catering for the amusement of a satiated public. But in "Crichton" the care and the study discernible are its best merits. The machinery is ingenious and curiously contrived, but the movements of the puppets are not attractive enough to be worth the contrivance. The novel is an ill-composed saturnial of figures wearing the habiliments and masks of great historical characters;—there is no speculation in the eyes,—no blood in the veins. The cloth of gold betrays itself too often as mere tinsel—the frown of the villain, as a look called up by the stage-painter—the knowledge of the scholar, a thing painfully extracted from many books for the occasion; and the adventures of the lover, a series of melodramatic feats, in which there is much display, but no real devotion. After the volumes are closed, we can make for ourselves no better or more individual image of the Admirable Crichton than the author conveyed in those two lines of his preface in which he sets forth his own notion of the hero—"as something between *le beau D'Orsay* and *Father Prout*." Goethe's description of Victor Hugo's creations applies yet more closely to those of his English imitator; but "Crichton" contains no such redeeming passages as the episode of *Paquette de la Chantefleurie*, a chapter which might fairly be pleaded in mitigation of the sentence delivered by the far-sighted sage of Weimar. The *dramatis personæ* of the "Notre Dame de Paris" he describes as "lay men and women, skilfully constructed after due proportions: but" (continues he) "they are but stuffed dolls, which the author handles most unmercifully—twists and tortures them into the strangest postures—racks and flogs them—tears them body and mind. It is true that it is a fleshless thing that he tears so inhumanly to pieces."

To show how completely, in the poor merit of vehemence

put forth in this twisting and torturing process, Mr. Ainsworth falls behind the Parisian novelist, the pages of "Crichton" need but be turned one by one—a process easy, but tedious, and hardly, we think, necessary. And still, if we would know how incomparably that romance is its author's best work, as regards tendency, propriety of taste and artistic treatment, we have but to compare it with "Jack Sheppard." In this tale, indeed, the literature, not of despair, but of debasement, has reached its lowest deep. We are, however, constrained to believe, that the public appetite for the strongest possible dose of degrading atrocities may have been as much the cause as the effect of its production. In evidence of this, the immense popularity of the darker scenes in the writings of Mr. Dickens, which immediately preceded its appearance, must be remarked. Let us not be misunderstood. We would not convey the remotest idea that the forcible and shrewd and pathetic "Boz" intended to trade for fame and favour upon the abuses and crimes which make hideous the by-ways of this world. There is, discernible in all his works, too much kindness of heart—too much of that manly tenderness which espouses the cause of the unpopular and the oppressed, to permit us, for one instant, to doubt his conscientious desire to serve, as well as to amuse, in his widely-spread fictions. But the means he uses we think a mistaken one. Granting that the protracted miseries of the debtors' prison, and the frightful and fascinating snares of the thieves' haunt, and the atrocious and grinding tyrannies of the cheap school, have been laid bare by him, and brought home to the disturbance of the silken ease of thousands who never would else have dreamed of such horrors,—it is questionable whether the amount of justice for the wronged thus obtained is not more than counterbalanced by the amount of morbid irritation excited by details of crime and cruelty. The deceitful heart of man, while it loves to imagine itself as thrilling with a generous indignation, inquires not how much of that thrill belongs to the strange pleasure of following the course of things obscure and monstrous and forbidden.—Terror is rarely awakened without the accompaniment of fascination,—or crime dwelt upon, without the anatomy of its workings partaking as much of curiosity as of disapproval. The Newgate Calendar, that most ghastly of all

records, has ever been the favourite companion of young thieves, has often been their instructor. Who can have forgotten the striking recent examples of suicide, by a diseased emulation, exciting suicide? Now, as Truth—the one undying and immutable principle of Art—is of a sound and health-giving morality, we ought sparingly to introduce the gross, the horrible, the cruel, into the world of Fiction. We ought but to countenance them when introduced with the caution of a Shakspeare's consummate experience, and with the ideal colouring thrown around them by a Shakspeare's poetical spirit. While taking our part in the real business of life, we ought not, as Herder has finely said, “to contest with the gods their seats of eternal tranquillity,”—we are not to turn away with a sickly self-compassion from fathoming the distresses and the weaknesses of our brethren. But, in our pleasures, we should avoid intermingling for excitement's sake, those foul and distorted aspects of humanity, which the soberest and most steadfast can hardly contemplate without a passing shade of sullied distigrement being reflected by the object on the observer.

If, however, on coming to “*Jack Sheppard*,” it was impossible to avoid adverting to “*Oliver Twist*,” neither as to power or purpose do we class the two works together. Compared with the writings of “*Boz*,” Mr. Ainsworth's novel, indeed, is a feeble and pitiful failure. It is thrust upon us, moreover, without the slightest affectation of serving any good end whatsoever. The motto of the book, from the “*Life and Actions of Guzman D'Alfarache*,” points out which way the writer leans:—

“Upon my word, friend,” said I, “you have almost made me long to try what a robber I should make.” “There's a great art in it, if you did,” quoth he. “Ah, but,” said I, “there's a great deal in being hanged.”

Now “*Jack Sheppard*” exceeds the promise of its motto,—inasmuch as the “great art” of robbery forms the staple interest of the book, while “the great deal” (*i. e.* the retribution) “in being hanged,” is but represented as a splendid and affecting close of a glorious career; *e. g.* the following passage:—

“A deep silence, however, now prevailed, broken only by the tolling of the bells of Newgate and St. Sepulchre's. The mighty concourse became

for a moment still. Suddenly, such a shout as has seldom smitten human ears rent the air. 'He comes!' cried a thousand voices, and the shout ascended to Smithfield, descended to Snow Hill, and told those who were assembled on Holborn Hill that Sheppard had left the prison.

"Between the two officers, with their arms linked in his, Jack Sheppard was conducted to the cart. He looked around, and as he heard that deafening shout,—as he felt the influence of those thousand eyes fixed upon him,—as he listened to the cheers, all his misgivings,—if he had any,—vanished, and he felt more as if he were marching to a triumph than proceeding to a shameful death."—*Jack Sheppard*, Vol. iii. pp. 294, 295.

We are not called upon to offer a critical analysis of this novel, which possesses every defect of looseness of construction, extravagance of incident, and inconsistency of character, which could be assembled in so narrow a space. Upon no insulated passage could we dwell with approval. The escape from Newgate—its great scene—is detailed in the flat, prosaic style of a newspaper report: while the dialogues among the precious fraternity of thieves, thief-takers, turnkeys, and the female suttlers who thrive under the patronage of so worshipful a company, are unembellished by one single joke, even as poor and common-place as those which any ear might gather at the rate of twenty a minute in the neighbourhood of Seven Dials. Occasionally, however, the author sours from this bald common-place to the florid style of "Rookwood,"—as in the following part of the description of the Great Storm, which is perhaps the most probable and least exceptionable part of the book:—

"The hurricane had now reached its climax. The blast shrieked as if exulting in its wrathful mission. Stunning and continuous, the din seemed almost to take away the power of hearing. He who had faced the gale would have been instantly stifled. Piercing through every crevice in the clothes, it, in some cases, tore them from the wearer's limbs, or from his grasp. It penetrated the skin; benumbed the flesh; paralysed the faculties. The intense darkness added to the terror of the storm. The destroying angel hurried by, shrouded in his gloomiest apparel. None saw, though all felt his presence and heard the thunder of his voice. Imagination, coloured by the obscurity, peopled the air with phantoms. Ten thousand steeds seemed to be trampling aloft, charged with the work of devastation. Awful shapes seemed to flit by, borne on the wings of the tempest, animating and directing its fury. The actual danger was lost sight of in these wild apprehensions: and many timorous beings were scared beyond reason's verge by the excess of their fears."—*Vol. i. pp. 126, 127.*

It would be, surely, superfluous to offer any more specimens of the attractions of the recent favourite of the town. Let us then leave Mr. Ainsworth to work his will upon "London's lasting shame,"—the Tower ; the announced subject of his next romance. Upon the book coupled with "Jack Sheppard," and which richly deserves to bear it company to the Tyburn Tree of criticism, it is needless to expatiate. Though its appearance be a sign of the times, the obscurity into which it has fallen, is a token that Common Sense,—even among the classes most ripe for inflammatory contagion,—is not in every case utterly blinded to the fact, that there may be pictures of wrong and oppression, produced with motives no more philanthropic than a desire to drive a brisk trade, and, coarsely to speak,—“to forestal the market.” Even those, who were the readiest to follow her as an oracle in America, to extol her as an English de Stael in Austria, will not march through Manchester with Mrs. Trollope ! The amount of truth and probability in her pictures of foreign life could not have been more forcibly tested, than by the success of her attempt to carry on her favourite trade of trafficking in the abuse of abuses, at home.

And now let us consider that state of public taste, of which we conceive such productions as "Jack Sheppard" and the "Factory Boy" to be the consequences, rather than the causes. With much food for grave consideration, not un-mixed with alarm, something of comfort will also be revealed in the examination—some hope that this "literature of debasement" may prove but a transient and partial plague, in place of a naturalized and universal distemper. We believe, indeed, that traces of a like pestilential influence having passed over our land in former times may be discerned, though modified in form, and not tainting so large a class as at present ; inasmuch as its visitations took place during epochs when readers were less numerous, and belonged in larger proportion to that order of society whose impressions are less strong and more controllable than those of the great public of the nineteenth century. Without echoing the obsolete sneer of the foreigner at a moroseness of temperament, consequent upon an ungracious climate, it may be asked with reason, whether there be not some element in the shrewd, sensi-

ble, reserved, English character, which disposes it to be influenced by the miasma now so all-pervading. We have fancied that such might be the case, as often as we have remembered Coleridge's subtle exposition of the vulgar outcry against "German horrors," current in his time, and his theory of their origin, which occur in the indignantly scornful review of Maturin's "Bertram,"—that "Jack Sheppard" of the ladies and gentlemen of the English Regency! Let the reader give its full weight to the following passage: Coleridge, it will be seen, before descending upon the Irish dramatist with unmitigated severity, is defending the well-known play of Schiller from the indiscriminate accusations which had been launched against it.

"To understand the true character of the *Robbers*, and of the countless imitations which were its spawn, I must inform you, or at least call to your recollection, that about that time, and for some years before it, three of the most popular books in the German language were the translations of *Young's Night Thoughts*, *Hervey's Meditations*, and *Richardson's Clarissa Harlowe*. Now we have only to combine the bloated style and peculiar rhythm of Hervey, which is poetic only on account of its utter unsuitness for prose, and might as appropriately be called, prosaic, but from its utter unsuitness for poetry; we have only, I repeat, to combine these Herveyisms with the strained thoughts, the figurative metaphysics of Young on the one hand; and with the loaded sensibility, the minute detail, the morbid consciousness of every thought and feeling in the whole flux and reflux of the mind; in short, the self-involution and dream-like continuity of Richardson on the other; and then to add the horrific incidents and mysterious villains, (geniuses of supernatural intellect, if you will take the author's word for it, but on a level with the meanest ruffians of the condemned cells, if we are to judge by their actions and contrivances)—to add the ruined castles, the dungeons, the trap-doors, the skeletons, the flesh-and-blood ghosts, and the perpetual moonshine of a modern author, (themselves the literary brood of the *Castle of Otranto*, the translations of which, with the imitations and improvements aforesaid, were, about that time, beginning to make as much noise in Germany as their originals were making in England,)—and as the compound of these ingredients duly mixed, you will recognise the so-called German drama. The *Olla Podrida* thus cooked up, was denounced by the best critics in Germany, as the mere cramps of weakness, and orgasms of a sickly imagination on the part of the author, and the lowest provocation of torpid feeling on the part of the readers. The old blunder, however, concerning the irregularity and wildness of Shakespeare, in which the Germans did but echo the French, who, again, were but the echoes of our own critics, was still in vogue,—and Shakespeare was quoted as authority for the most anti-Shaksperian drama."—*Biographia Literaria*.

This passage, surely, has a significance far wider than the insulated case to which it was applied. For, in proof that a propensity towards the frightfully vehement and the coarsely real, had already manifested itself among our countrymen,—can we forget that it was immediately after our most golden time,—the Elizabethan age,—that stage scenes of butchery and craft and torture were approved and demanded by audiences, which might at will have wandered forth with Shakspeare into the Athenian wood to listen to fairy harpings, or revelled with him in the fresh woodland life of the forest of Ardennes;—audiences whose blunted sympathies failed to distinguish the supremacy of the intellectual terrors of Lear and Macbeth and Othello over the grosser and more naked horrors of his brother dramatists. And for how long an after period did those dramas,—the artist's, the poet's, the actor's evangele,—lie thrust out of light by productions yet lower in the scale of excellency,—by the ribaldry and bombast of Dryden and Lee, and others with even fewer claims to prominence? The singular absence of mysticism in English faith and imagination—the vaunted practical common-sense which has filled our purses, and multiplied our argosies, and builded our factories,—the fear of ridicule which constrains our social intercourse, could hardly fail to be accompanied by that preference for the strong and tangible in excitement, and the minute in description, which, to arrive at its present manifestation, has passed from the red-heeled gallant to the mechanic,—from Grundison Hall to Goswell Street! Can we forget, that when the turn of artificial taste in literature, and intrigue in politics had passed,—when the spirit of the Augustan age was found to be a hollow and unsatisfying thing—how widely the outbreak of the romantic spirit in England differed from the corresponding movement in Germany; how far less ethereal were the mailed phantoms and the bleeding Nuns of our Walpoles and Radcliffes, than the kobolds and gnomes, the wood-sprites and water-nymphs which the foreign romanticists evoked in every time-shattered ruin, and along the course of every river? Even in our verse, the amount of creations purely imaginative, since the days of Shakspeare's "Tempest" and "Midsummer Night's Dream," and Spenser's "Faery Queen," is very small. It would not be hard to enumerate the separate

items, including tales of diablerie "to make up a show." The catalogue of contributions of later days would contain little beside Southey's two mythological poems, the "*Thalaba*" and "*Kehama*,"—Moore's "*Peri in Paradise*,"—Scott's "*Lay of the Last Minstrel*,"—Byron's "*Manfred*,"—Coleridge's "*Christabel*" and "*Ancient Mariner*," and the "*Kilmeny*" and the "*Witch of Fife*" of Hogg. And in the most popular among these, it is needless to point out how the human supersedes the supernatural interest. The immense success of the "*Lay*" was gained rather by its pictures of Scottish scenery and old knightly costume, than by its gramarye,—Gylbyn Horner, the goblin page, the centre (so to speak) of the tale, having been voted an excrescence on the romance by many critics of renowned judgement. And yet the "*Lay*" appeared at that very moment when the English people,—emancipated from the worship of their old idols, and excited by those momentous events, which not only armed all Europe but stirred its mind with the tumult of new hopes and imaginings,—was the most likely to welcome any work of fiction, extravagant and surprising in its invention. "*Manfred*," again, owed its readers rather to the convulsive struggles of human passion it depicted, and the eagerness of the spectator to give these a personal meaning and application, than to the syren songs of the elements, or to that loveliest and most aerial of all apparitions,—the *Witch of the Alps*, "rising beneath the arch of the sunbow of the torrent." Coleridge's ballads, the most perfect specimens of their class which we possess, though much talked about, are still hardly popular. And if we turn from the poets to the prose writers, it is difficult to call to mind one solitary tale of the class in question, which has been admitted to take its place in our classical literature. The very ghost story, in the days when ghost stories had readers in England, was required to close by a matter-of-fact explanation, in which was revealed a clumsy machinery of self-deluded plotting bandits, or sorcerers, or cunning Jesuits. With all his passion for the traditional and the marvellous,—a passion inducing a distinct and confessed belief in the possibility of supernatural visitation—Scott was far too acutely a man of the world not to perceive the hazard of bringing his favourite superstitions largely before the pub-

lic,—far too honestly disposed to appreciate his own works by the effect they produced, not to be warned against any further similar experiments by the failure of the “*Monastery*.” The Irish-tin legends, recounted by Crofton Croker and Lover, &c. owed their attractiveness, rather to the mother-wit of Daniel O’Rourke, when clinging to the moon’s reaping-hook, to the *blurney* of him who “*discoarsed*” the Merrow or mermaid, than to any interest or curiosity excited by Phookas or Leprechauns, or other such fantastic beings. It is but recently that as delicately fanciful a legend as was ever written by the finest pen of the most accomplished woman, was given by the daughter-in-law of Coleridge,—not to the public, but to the empty air. For how many are there among the critics—how many among the great mass of readers occupying themselves with the light literature of the hour—who have ever heard the name, far more read a page, of “*Phantasmion*”? It is with the deeds and passions of men and women, acting and reacting upon each other, that the many alone intimately concern themselves in England.

If the above remark, of necessity here briefly and incompletely illustrated, be founded on truth, it is of essential consequence to the question in hand. To concern ourselves with former manifestations of the epidemic, of whose reappearance “*Jack Sheppard*” and the “*Factory Boy*” are two among many recent symptoms, would lead us beyond all reasonable bounds. If our national propensities are such as we have divined, the course of events, since the present century came in, could hardly fail to be followed by an outbreak of the pestilence in its most rank and diffused form. We believe that it is by operations of a new power,—the Press,—regulated according to arbitrary and limited notions of responsibility,—by its influence misapplied for the most unworthy purposes, that a public, every year receiving vast and unexpected additions, has been pampered and stimulated; until the healthy appetite of a large portion of its members has given place to that diseased and voracious craving, to which there will always be found Ainsworths sufficiently reckless and Trollopes sufficiently accommodating to minister. Let us remember what momentous objects of discussion have through its medium, without rest or cessation, been presented to every Englishman during the

last forty years—the astounding events of Buonaparte's career and downfall—the trial of our Queen—the emancipation of the Catholics—the Reform Bill; let us remember that the strife between ancient and modern principles has been fought out in our halls and on our hearths with paper ammunition;—and shall we wonder if party spirit has been intoxicating and engrossing enough largely to sway and mould and modify,—not merely the actions of the many, when contesting *pro aris et focis*,—but even their likings and antipathies in those hours of leisure when the tale-teller and the minstrel and the mimic are permitted an audience?—or that such undue influence has been accompanied by a distortion and depreciation of pure and sound taste? Let us look how this party-spirit has worked. If we review the history of the influence of the Press in its highest and most refined development,—namely that of literary and scholastic criticism, where Truth should, if anywhere, be recognised as predominant over Time and Circumstance,—can we fail to observe, not merely how strongly an inability to sympathize with the operations of the contemplative and reverential mind, blinded the eyes and misled the feet of some about to enter the free domains of fancy? but how largely also a polemical spirit was allowed to tincture the judgment of others, and to convert the scholar and the analyst into an caves-dropper and a whisperer and a scandal-monger? To instance our leading reviews, once so powerful and peremptory in their control of public opinion,—we shall find in the one, a nascent school of philosophical poetry, now numbering within its circle the deepest and most generous young minds of England, dismissed with a sneering “*This will never do*”! and branded with feebleness and affectation, conveyed in a ridiculous epithet! We shall find the Coryphæus of the antagonist party, while busy in organizing a counter-check to this emission of “*deleterious and disgusting political doctrine, artfully mingled with instruction and amusement*”—we shall find Scott himself, that most genial and indulgent of our literary men, permitting himself such a question as this:—

“Is there no one who can throw a Congreve rocket among the gerunds and supines of that model of pedants, Dr. Philopatris Parr? I understand your foreign lingo too little to attempt it, but pretty things might be said

upon the memorable tureen which he begged of Lord Somebody, whom he afterwards wished to prove to be mad. For example, I would adopt some of the leading phrases of *independent, high-souled, contentus parvo*, and to-forth, with which he is bespattered in the Edinburgh, and declare it *our* opinion, that, if indulged with the three wishes of Prior's tale, he would answer like the heroine Corisca,

'A ladle to my silver dish
Is all I want, is all I wish.' "

Lockhart's Life of Scott, 1st edit. Vol. ii. p. 253.

Now, if we read these examples aright, they contain a revelation of men, on the one hand hardened and moulded in a peculiar school, on the other, bewildered by political animosity to connivance in tricks and stratagems of party annoyance,—those involuntarily giving an inclination to the balances of criticism,—these wilfully degrading its sceptre into a rod. But it was easier for the scale to return to its equilibrium, than for the sceptre thus degraded to be purified. And,—metaphor apart,—it will hardly be wondered that the jester proved more acceptable to the million than the rigid thinker; or that personality and sarcasm, once admitted as legitimate weapons of attack, should take a thousand forms and a thousand voices,—should penetrate from the review to the magazine, from the magazine to the newspaper; lowering the tone of both writers and readers, until the sneer of scandal, permitted as expedient and amusing in the closet of the man of letters, became the shout of obscene ribaldry in the tavern and the night-cellar. Barren of good to our imaginative literature was that cold and guarded rationalism which rejected all the newer and more ideal creations of multifiform Genius as things extravagant and puerile; but fruitful of mischief was the introduction of banter, whether wearing the mask of a free-spoken joviality, or confessedly venting its taunts and scandals by way of acrimonious retort. Nor could a party weapon, more serviceable or more annoying, have been found, times and circumstances considered. That spirit which had pointed out the "memorable tureen" as a text worthy of improvement, when the question was Dr. Parr's gerunds and supines, presently took a coarser and more popular form. The Regency, with its demoralizing influences, had hardly passed, when the Queen's trial,—that event beyond all others demanding from conscientious cen-

sors a tone of seriousness and reserve in its discussion,—gave opportunity for the fullest licence to those who strove to wound their political antagonists with piquant scandals and humiliating disclosures,—careless how the moral sense of the great mass of the people was affected. The divine might chuckle over his “John Bull,” without much risk to his purity of heart or health of taste,—might excuse the violence of its diatribes, might console himself for the profligacy unveiled most insidiously by Wit’s keen touch, with the pictured symbols of Church and State*, whose well-being was alleged as the motive for these salutary revelations;—but who heeded the children in his family, the servants in his household? who cared for the mischief which followed *their* initiation into the mysteries of innuendo and report, or the worse mischief which attended the concealment of the searching exposition as “meat too strong for babes”? Meanwhile the appetite spread. The author helped the journalist. Next in popularity to the inimitable romances of Scott, came novels of modern life and manners for the use of the genteel, in which not current customs, but living characters were purported to be displayed,—not merely the heartless and headless exclusivism of Almack’s, but the intrigues of Lady —, and the terrible and mysterious infidelities of Lord —, and the ridiculous displays of wealthy vanity made by Mrs. —. Even Bulwer, who now charges one section of his critics with a rabid and unceasing personality in attack, is not clear of having contributed his mite towards the progress of this moral plague, as the pages of his “Paul Clifford” bear witness. What hope was there that the course of such an evil, whether in literature or criticism, should be arrested till it had exhausted itself? The Coleridges, the Wordsworths, the Landors, to whom the next generation will owe much, had no tricks wherewith to divert the public from the fascinating employment of listening while every man bore witness against his neighbour. And accordingly,—there being no want the while of great events to distract the world of readers from all those pure and fanciful contemplations which belong to

* The Bible and Sceptre were long, if we recollect right, the sign of this Sunday paper.

calmer times,—the standard of taste sank lower; the virtue of sincerity became a despised thing; the great arena of popular criticism was possessed by coteries, each more mercenary and more unscrupulous than its predecessor; until to catch the ear of the demoralized and satiated public, it was necessary to descend into the broad, the farcical, the grimly real, or the grossly personal—witness late biographies and “reminiscences”—witness “Jack Sheppard,” and “The Factory Boy!”

But if the disease of popular taste in the middle class be evidenced by a demand for such tawdry and morbid productions, how much the worse must be the consequences of the distemper when laying hold of the less informed! For they have no recollections of a higher and purer literature to woo them back, when the fit shall have passed,—no acquaintance with the machinery of composition to destroy their implicit trust in the truth of a printed book,—and the grinding cares of life impel them with an unparalleled blindness of eagerness to those sources of instruction from which they fancy aid and counsel may be derived, or to those pastimes the excitement of which shall be the most intoxicating. If such be the light reading of the educated, what is the light reading of the uneducated? Let us inquire what the Press is doing for them—conceiving that, in their case too, the journal is the guide as well as the mirror;—and not merely of their opinions, when it enters upon political controversies, but also of their tastes, when it busies itself with matters of recreation and pastime.

To possess an accurate knowledge, without omissions or exaggerations, of such an extensive subject, is impossible. Every week produces its new periodicals, its new libraries of entertainment, its new scandalous journals. Distinct from those whose origin is in the metropolis, it is more than probable that every large provincial community has its own publications circulating among its own humbler classes to an extent undreamed of. But, inasmuch as some knowledge of a part enables us to speculate upon the form and character of the whole, we may form some idea of the general nature of the publications current among those who crowd the minor theatres, to take from “Jack Sheppard” their lessons

in life and morals. A collection of statistical notes lies before us, which, if not absolutely complete, we have reason to believe accurate, as far as they go, in determining the quantity and quality of the popular literature now circulating among the working classes and idlers of this vast metropolis.

Seventy-eight weekly periodicals are enumerated, of which nearly two-thirds are issued at the price of one penny, none exceeding twopence: twenty-eight of these are devoted to miscellaneous matter; seven to more political subjects; fifteen to the publication of novels, romances and tales; sixteen to biography of celebrated individuals; four to scientific intelligence; three to the drama; two to medicine; two are collections of songs, and one registers the progress of the Temperance cause. More than two-thirds of these have the attraction of illustrations. It is not our purpose to enumerate these separate publications by name, for obvious reasons; a few of their leading features, however, are not to be passed over. It is remarkable, that, of those devoted to miscellaneous matter, the larger half,—namely, such as succeed by caricaturing, for the use of the apprentice and the domestic servant, those personalities to which their masters have long weakly and thoughtlessly lent an ear,—are compelled, over their unblushing vileness, to cast a flimsy show of respect for appearances. There is not one of them but has public morals in its tender care, and if its word might be taken, only lashes and destroys and sullies with the intent of holding up Folly and Corruption to indignation and ridicule. Some, professing to take the physical health of their clients in their charitable keeping, by the wholesale and vulgar quackery of their counsels, compel us to consider the parties advised as little more enlightened than their ancestors, who put trust in the spells of the fortune-teller, and sickened under the terrors of the evil eye. In some the trade in reputations is publicly announced as a part of their system, and the price for the suppression of intelligence quoted with a mercantile coolness and accuracy. Some, taking their example from the journals which brought themselves into notice by whimsically dramatizing the proceedings of our courts of justice and police, thrive upon the accidents and offences of the day. There is hardly a haunt of infamy which is not branded by its mis-

chievous "*Cave!*" in one or other of these publications,—hardly one vicious principle, whether of politics or morals, not denounced with a coarse and graphic phraseology far more dangerously exciting than direct recommendation; for even the rudest and most audacious spirits love to cheat themselves—to palter with their own consciences, and, by misnomers and symbols and decorations, to hide the ugliness of knavery and theft and murder and rebellion, if not from themselves, from their neighbours. Upon the tone of those devoted to politics it is needless to descant. Every one who has grieved to observe how largely courtesy and sincerity are obscured in debate, who remembers what glaring contradictions must be reconciled, what extravagant propositions be defended for partizanship's sake, in our leading journals—will readily imagine in what manner the theory and the practice of political science will be presented by ignorant or knavish adventurers to readers, more qualified, alas! from the imperfections of education, to feel hunger and cold and nakedness, than to reason upon the difference of ranks, or upon the impolicy of appeals to physical violence! Melancholy is the extent to which their passionate blindness is presumed upon by their guides. The Editor of one of these weekly publications, now imprisoned in one of our county jails for political offences, who the other day, addressing the women of England, wrote to them (to quote his own words), *deprived though he be of the use of pens, ink and paper*, included in this plaint less of contradiction and absurdity than most of his fraternity, when enlarging upon matters of far more imminent importance. A few may be found addressing their public with a crude and angry eloquence, born of the mistaken conviction, that among them and upon their shoulders lies the salvation of their country; but the larger part come under the denomination of those described in Scripture, "madmen who fling about fire, and say, Am I not in sport?"

Grievous would be this picture did it display the whole of the subject. But it must not be exposed and recommended to the attention of all dispassionate and benevolent thinkers, among our sages and law-givers, and authors, and journalists, nay, and even our talkers, each of whom has his measure of

responsibility, and bears more or less directly and weightily upon the class beneath him,—without an exhibition also of the remainder part. The same examination which compels us to lament the amount of poisonous and abominable trash poured out by the press for the consumption of the public, enables us also to enjoy the knowledge that a more healthy movement is simultaneously going on, which must in time neutralize and overcome an evil so virulent. As regards original creations, we are living in a time of all but barrenness,—with only here and there a glimpse of true poetry, to remind us that we have produced Miltons and Shakspeares,—with but a scattered essay or sermon, to stand in place of the noble testimonies uttered by the philosophers and divines of old. But we know that never was the press so active in placing before the people the master-pieces of our literature, the historical records of our country, in accessible and useful forms; that there was never so large a body of consumers of our really valuable classics as at present; and, we may add, consumers not merely of the works of positive and direct utility, but of those more recondite productions of human intellect,—fountains, as it were, opened by the loftiest minds, from whence those of a second order minister to those of a yet lower degree of intelligence and cultivation. The very papers whence we derive the facts just laid before the public, concerning the “literature of debasement,” in its lowest development, announce also unhesitatingly, that the circulation of the cheapest miscellanies of wholesome and well-considered instruction, of the publications devoted to the mechanical arts, to natural history, and to the recording of such actions, past and present, as contain ennobling examples, exceeds largely the circulation of those odious publications which we would not bring to light by naming. While this remains to be the case,—in spite of the fever and ferment of the last forty years,—in spite of the real nature of criticism having been so long misunderstood among us,—in spite of authors of brilliant genius having flourished and passed away, without ever having dreamed of the high responsibilities of their mission,—we will not fear for the ultimate recovery and progress of the middle class from its present taste for the homely and the false and the foul. Nor are we afraid that

those who have less leisure, less wealth and less education, shall utterly and finally abandon themselves to rapine and thievery and contempt of law, though they now flock by thousands and tens of thousands to gloat upon the picturesque daring of Jack Sheppard, and the frightful and stony-hearted villany of Jack's destroyer—Jonathan Wild!

ARTICLE VII.

1. *Minutes of Evidence taken before the Select Committees of the House of Commons on the State of Ireland.* 1824 and 1825.
2. *Reports of Commissioners on the Administration of Justice in Ireland.* 1826 and 1828.
3. *Minutes of Evidence taken before the Select Committee of the House of Lords on the State of Ireland.* 1839.
4. *Hansard's Parliamentary Debates for the Session 1839.*

THE question of the continuation in office of a Liberal Ministry is one of vital importance to Ireland. An enlightened Government has effectually succeeded in composing the minds of the people of that country by the impartial administration of the laws, and is now anxiously looked to for such additional measures as are requisite to complete the good work it has so auspiciously begun. With Tory rule the Irish consider the old system to be allied, which divided the country into two parties, and gave all the privileges to one and all the burthens to the other. An extensive interest of property and education has grown up amongst the latter independent of its vast numerical superiority which must prevent the recurrence of any similar policy; nor do we think it would now be attempted. But, unhappily, there still remain many violent supporters of the old ascendancy principles, who assert in public and in private the necessity of proscribing their Roman Catholic fellow-countrymen from the Constitution, and of depriving them of the privileges of British subjects. If their reasoning be weak, their passions are strong,

and their discourses produce a corresponding effect on the minds of the multitude. They loudly proclaim that the bulk of the people have no respect for the laws, that they are prone to sedition, and their principles, moral and religious, are subversive of those regulations and destructive of those ties, by which society is held together. It may be, therefore, useful to consider whether the population of the Sister Isle have had experience of the administration of justice,—“freely without sale, fully without denial, and speedily without delay,”—or whether their alleged hostility to law has not been rather directed against abuses and perversions of justice inflicted upon them under that venerated name. It is very natural for men who have long enjoyed the blessings of civil and religious freedom, to feel the greatest respect for those institutions by which their rights are protected; and if a like feeling has not always existed amongst the Irish people, it ought to be remembered that it is but recently they have been admitted to a participation in the benefits of the Constitution.

The civil disability under which the Roman Catholics remained for so long a period after the Union, rendered the gentry of that body altogether useless for the purposes of government; and there could be no greater anomaly than that which was created by the Act of 1793, which conferred all but universal suffrage on the Roman Catholic people, but withheld from the upper classes of that persuasion, although possessing property and intelligence, the right of being returned to Parliament. Excluded from all share in making the laws, they had as little part in their administration. They therefore, not unnaturally, concluded that both parliament and the government were hostile to them. They felt that their rights were less secure than those of their Protestant fellow-subjects, and the tone of superiority assumed by the latter, particularly amongst the inferior classes, was a constant source of mortification and self-debasement.

As an appeal to the superior tribunals was a luxury which the Irish peasant could not at any time afford, his notions of law were chiefly derived from his own experience of its administration by the magistrates. Amongst the latter, a number of very objectionable persons were to be found at the period to

which we allude,—men of little or no property or station, and sometimes of very indifferent character. They were in the habit of taking fees, independent of those that were legal, upon all business which came before them. Major-General Richard Bourke declared, before the Committee of the House of Commons on the State of Ireland in 1825, in answer to the question if such a system prevailed amongst the lower description of magistrates, that it was “very general; not only were “fees taken upon all the business which this class of magistrates transacted, but presents were received of various “kinds, and labour was required from persons whom they “patronized.” This labour he described to consist of “digging “potatoes, cutting turf, bringing home hay, and things of “that sort*.” These magistrates, be it remembered, possessed a criminal and ministerial, and also a judicial jurisdiction. The former related to the imprisonment of parties for the purposes of trial, or holding them to bail, and the latter to the decision of tithe and other cases, and the infliction of pecuniary penalties on offenders, which they were enabled to impose under certain statutes. It was not uncommon for persons to be committed to jail upon charges of felony, to abide their trial at the ensuing assizes, and, after an imprisonment of several months, to be discharged in consequence of there being no prosecution, or as the charge against them was found to amount only to a light misdemeanour. In judicial proceedings it was a frequent occurrence for parties to travel a considerable distance with their witnesses, in obedience to the summons of magistrates, and to find on their arrival that the hearing was adjourned; and as these summonses, on which a fee was paid, were left blank with the clerk, and issued in all directions, it often happened that when parties appeared, the magistrates discovered that they had no jurisdiction in the case. It was given in evidence before the Select Committee of the House of Lords on the State of Ireland in 1825, that a criminal information had been, a short time before that period, filed in the Court of King’s Bench, against the provost of a corporate town in Ireland, who had a regular scale of charges for admitting offenders to

* Minutes of Evidence, Third Report, p. 325.

bail. This was stated to be ten guineas for a capital felony, and five for a minor offence. During the Irish administration of Lord Wellesley a considerable number of magistrates were dismissed in consequence of misconduct, and several discharged as insolvents. That there were many just and conscientious men in the commission of the peace before that purification, we do not deny,—but it is equally certain that the malpractices of others produced an universal impression upon the people, that justice was administered rather as a matter of favour than of right. These evils have been in a great measure repaired by better appointments and the institution of petty sessions. Magistrates now generally discharge their official duties at a public court, instead of, as upon former occasions, at their private residences; and parties are regularly heard at fixed times and places, and confronted with their adversaries. It usually happened, during the old system, that when a person was brought before a justice of the peace upon a charge of assault, he lodged a cross-examination against the complainant, and both were frequently tried at the same time at the sessions, the defendant and plaintiff alternately taking their places in the dock; and the difficulties which arose from the most contradictory swearing were usually got rid of by indictments being found against both parties. Further improvements have been since, from time to time, adopted, by extending the number of districts wherein petty sessions are held, by directing a registry to be kept of the proceedings, by requiring all informations to be transmitted to the clerk of the crown or clerk of the peace, and by placing restraints on the official acts of single justices.

The court of quarter-sessions, which Lord Coke eulogized as “a form of subordinate government for the tranquillity and safety of the realm, as no part of the Christian world hath the like, if the same be duly executed,” partook also of the evil influence which for a long period rendered many of the best institutions valueless in Ireland. This was one of the ancient jurisdictions of England, established in Ireland by Poyning’s Law for the preservation of the public peace, and quiet government of the people.

It was not to be expected that country gentlemen in the commission of the peace could have possessed a sufficient

knowledge of technical principles and forms to enable them to hear and determine the various cases which came before them at the sessions, without professional aid; and accordingly, by the 27th of Geo. III., a barrister of six years' standing was appointed to act as a constant assistant to the justices constituting the court. This Act also contained the important provisions for enabling the Lord-Lieutenant, with the advice of the Privy Council, to divide the different counties into districts, where general sessions of the peace were directed to be held eight times in the year at the least, and to establish a constabulary force. After the appointment of assistant barristers to these courts, a new and concomitant jurisdiction was assigned to them, to be exercised by them exclusively, "for the recovery of small debts in a summary way." This had been originally exercised by the judges of assize in their several circuits; but as property and population increased, suits by civil bill, which these proceedings were called, increased to so great a degree that they constituted at length the chief part of the business of the judge presiding in the civil court. For this and other reasons the establishment of a new court for their trial became indispensable. The first step for bringing the process of civil bill into operation in the Assistant Barristers' Court is by the service of a summons, a copy of which was required to be left with each defendant, stating shortly the cause of action, the amount of claim, and time and place of appearance. Any person was competent to serve this process, and it was usually confided to hired process-servers, upon whose affidavit of due service a decree was generally obtained. These were men of the worst description, and services were sworn to in many cases which were never made, and decrees obtained where no debt whatever existed. The instances were frequent of people in comfortable circumstances being reduced to beggary by this iniquitous practice. It led to the most frightful conflicts in the execution of decrees, which the peasantry declared to be legal robberies,—and the resistance they considered in such cases justifiable against the mal-administration of the law, unfortunately extended to the law itself.

The sheriffs generally had but one panel for grand and petit jurors at the quarter-sessions, who were often persons of a low description; and a general feeling existed in the country, that

private influence prevailed with regard to the finding or ignoring of bills. The people were therefore constantly in the habit of *making interest*, as it was called, when they were before these courts. Major Bourke, from whose evidence we have already quoted, and who was a magistrate for the county and city of Limerick, declared on the occasion to which we have before alluded, that he believed the general opinion on this subject to have been well founded. He says,

"I recollect to have heard a gentleman say that he was applied to (as gentlemen sometimes are in Ireland) by a person who was put upon trial at the Quarter Sessions begging to have a letter of recommendation to the Assistant Barrister; this the gentleman refused, saying the most he could do was to give him a letter to an officer of the Court, requesting him to take care that the bearer might have every facility afforded him in making his defence; the man returned within a day or two, with a letter from the officer of the Court, saying that he had settled the man's business; that he had spoken to the Grand Jury, and that they had thrown out the Bill*."

There is no part of the ancient English statute-law more worthy of admiration than that which was devised to secure to suitors a fair and impartial jury. Similar provisions were, from time to time, adopted by the Irish Legislature; but they were for the most part temporary in their duration; the most useful of them were suffered to expire†; and it was left to the sub-sheriffs to place whomsoever they thought fit on juries of every description, and to exclude qualified persons at their pleasure. The Commissioners of Courts of Justice in Ireland, reported in 1826, that

"The Sub-sheriff, according to the present practice, forms a grand panel at his own discretion; and when the Court of law grants an order for a special jury, and he is served with a rule to return the grand panel, he returns that which he has so formed, and which may be framed upon an improper principle, and not consist, as it ought, of the most respectable portion of the qualified freeholders of the county‡."

It is a remarkable fact, that there was only one statute, at that period, existing, which provided for the formation of the grand panel, and this provision was never acted on§.

It will doubtless appear surprising to the English reader, that the boasted privilege of an impartial jury, which has been secured in this country by the most strict regulations, should,

* Third Report from Select Committee of House of Commons on State of Ireland in 1825, p. 328.

† 9 Geo. II., c. 3. 29 Geo. II., c. 10. ‡ 15th Report, p. 17. § 12 Geo. I., c. 4.

in Ireland, where parties and factions so much prevailed, have depended on the discretion of a public officer. We proceed to consider whether this functionary was above the suspicion of partiality, at the period when the rights of his fellow-subjects were so much at his mercy.

The office of sheriff is of great antiquity. To sheriffs was confided the custody of the shires when this kingdom was first divided into counties. They were formerly chosen by popular election, and the reason assigned by the statute for this practice is a strong proof of the early democratic tendency of the Constitution, which was, "that the Commons might choose such as would not be a burden to them." By an act of Edward II., it was declared, that sheriffs should be thenceforth assigned by the chancellor, treasurer and judges, in consequence of these popular elections becoming tumultuous. One of Poyning's Acts provided, that the Treasurer of Ireland should have the same power concerning the election of sheriffs that the Treasurer of England had*; and several others were subsequently passed for the regulation of this office. The senior judge in each county selects three persons who have not already filled the office of high sheriff, and whom he considers best qualified for the situation. The lists of the judges are then submitted to the Chancellor, and finally laid before the Lord Lieutenant, by whom the high sheriffs are appointed. The duties of these officers being very extensive and laborious, it has been the custom to depute them to sub-sheriffs, for whose acts however they are answerable. The continuance in office of the high sheriff is limited to one year; and there was a similar limitation to that of the sub-sheriff; but the latter might have been re-appointed within three years. The act by which this regulation was made, imposed a penalty of 200*l.* for any breach of it: but Dalton states that this salutary regulation was evaded by putting in sham deputies, by way of nominal under-sheriffs; and these, with their clerks and bailiffs, "grew so cunning in their several places, that they were able to deceive; and it may well be feared, did deceive the king, the high sheriff, and the county†." By several subsequent acts, all that heavy pe-

* 10 Henry VII., c. 1.

† Dalton's Sheriff, c. 113, p. 454.

nalties and strong provisions could be hoped to accomplish, was tried by the Legislature to counteract this practice, but without effect. It was quite notorious, that the office was frequently held for several years consecutively, and sometimes for life, by the same person, who substituted the name of a clerk or relative during the time that he was ineligible. The only qualification required for the office of sub-sheriff by the old statutes was that of being a Protestant. He appoints the subordinate officers belonging to his department, who assist in executing process of every description. It was stated by Mr. Abbott, in his evidence before the Lords' Committee on the State of Ireland in 1825, that when solicitors obtained final process from the superior courts, their trouble only began. He observed, "generally speaking, with respect to process against the person, we must first catch the sub-sheriff; because it is frequently his desire not to receive the process, * * * and there is not a sheriff in Ireland, with the exception perhaps of a few in the principal cities or towns, who has any office." He then described the mode usually adopted for this purpose, by employing a man to watch him, "exactly as if he was going to arrest him*." When he was found, he in some cases excused himself from proceeding immediately to execute the writ, by stating the necessity of his immediate personal attendance at some distant part of his bailiwick, or perhaps stipulated to pay the whole or some part of the amount, provided the plaintiff would give him a suitable douceur. Such demands on the part of the sheriff, he stated to have been so well known to suitors in Ireland, that they considered themselves very fortunate if they got their money by the payment of any moderate sum. This evidence is fully corroborated in the Reports on the office of Sheriff, by the Commissioners appointed to inquire into the constitution of Courts of Justice in Ireland, who declare the general inefficiency and corruption of that office to have been most flagrant. Their report which we have already referred to, gives a startling account of the extent to which injustice had been carried in this department of the public service. For example, a solicitor who had sued out four original writs against a

* Minutes of Evidence, p. 316.

party, despatched his clerk from Dublin to the county-town for the purpose of delivering one of them to the sub-sheriff. After much difficulty, he found the sub-sheriff's clerk, who would not receive them, but desired him to send them through the post-office; and stated to him that a gratuity would be expected for their execution. Shortly after the return of the messenger to town, repeated applications were made for returns on the writs, to which either denials of any knowledge of them or other evasive answers were given.

The *douceur* generally promised by a plaintiff to the sub-sheriff for the execution of a writ, varied from sums under 1*l.* to 100*l.*, in proportion to the difficulty of the arrest or the amount of the debt. The Commissioners investigated the charge, which had been extensively made, of corrupt and partial intimation to defendants from the sheriff's office, of process in their hands; and they state that the fact had been fully established, that from some source intimation was very generally received by defendants which enabled them to evade execution, and that abundant proof had reached them to warrant their attributing this mal-practice almost entirely to persons connected with the sheriff's office. They had full evidence of intimation of writs having been conveyed by the sub-sheriff himself in particular instances, and also of such a general communication subsisting between that officer and particular defendants, as necessarily led to such intimation. Instances of flagrant oppression were frequent a short period before the date of the report. A writ was delivered to a sub-sheriff against a female whose brother-in-law had a suit pending against the sub-sheriff, in which she was to be a principal witness for her relative. A warrant was immediately granted by the sub-sheriff to his bailiff, with directions to arrest her and carry her to the county jail. She was arrested accordingly between ten and eleven o'clock at night, and, contrary to the express provisions of an act of parliament, lodged in the public Bridewell of the town in which she resided,—a place for criminals only, and consisting of but one apartment, with an earthen floor, and without bed, fire-place or furniture,—where she must have passed the night, had not the wife of the Bridewell-keeper humanely transferred her to her own apartment. It was in evidence on oath, that

the bailiffs and Bridewell-keeper stated their having the sub-sheriff's orders to detain her in the Bridewell, and the latter had not positively denied the charge. The suit referred to had been instituted against the sub-sheriff under the following circumstances. A writ had been delivered to this officer against the woman's brother-in-law, who was out of the bailiwick. The sub-sheriff thereupon called upon the woman, and contrived to terrify her into a relinquishment of some property entrusted to her by her brother-in-law, by holding out to her the threat of an arrest under a writ, which he alleged to be in his possession against herself. This allegation he afterwards admitted to have been wholly untrue, although it was made in a letter signed by him in his official capacity, and couched in language highly unbecoming a public officer.

"The property," say the Commissioners, "consisted, among other things, of three chests of tea, two of which the sub-sheriff sold at a price under first cost to two of his near relatives; and although the entire property so taken possession of by the sub-sheriff consisted of goods which had been purchased at wholesale prices for 160*l.*, and the debt for which the marked writ was issued was only 70*l.*, no balance was ever paid to the proprietor, nor any account given of the sale of his goods."—*Page 13.*

It was in consequence of this proceeding that an action had been brought against the sub-sheriff, and a verdict obtained in the Court of King's Bench by the plaintiff for 160*l.*, the precise loss he had previously stated to the Commissioners to have sustained. In another case, a sub-sheriff had obtained from a defendant the double security of a bail bond under an ancient statute, and a deposit of money. The defendant afterwards satisfied the demand, but could never obtain the deposit. The numerous instances of the system of agency and accommodation in favour of defendants, tending to defeat the attempts of creditors to recover their debts under executions, described by the Commissioners to have been practised by sub-sheriffs in different counties, were destructive to the interests of both debtor and creditor, and calculated to bring general discredit on the administration of the law as it existed at the date of the report. Instead of administering their functions according to the great legal maxim,—"*Nulli vendemus, nulli negabimus, aut differemus rectum vel justitiam,*"—they appear to have merited the censure pronounced upon them by an Irish judge, that "they

"bought the administration of the law, and sold it for their "own indemnification*;" and it is apparent that the largest portion of their income arose from fees,—not for executing, but for not executing, writs.

Amongst the institutions from which the people derived their notions of law, the manor courts, for the recovery of small debts, were not the least important. We think that these were well calculated, under judicious management, to bring justice home to every man's door. They enabled the lower classes to state their cases in their own language, where they did not speak English, as was often the case, to a jury who understood them, and to whom their bargains and customs were familiar. They prevented the people in poor districts from being obliged to go with their witnesses to the quarter-sessions, distant, perhaps, thirty miles from their homes; and that they have not been more resorted to, is a proof, if other evidence were wanting, that they have been generally badly regulated. These courts are held by seneschals, who are appointed by the lords of manors. Their pecuniary jurisdiction is conferred by charter, and differs very much in extent. In some cases it is limited to 40s., in others it extends to 200*l.*, and in some there is no limit whatever. Where the office of seneschal is filled by respectable men, their courts are well conducted; but it was given in evidence before the select committee of the House of Commons, which inquired into the operation of these tribunals in 1837, that frequently persons of a very low description,—in some cases keepers of public-houses, and men who could neither read nor write,—had been appointed to that office. One of these persons admitted to a commissioner on the Irish Corporation Inquiry, that each party who got a verdict in his court put a certain sum of money into a stock-purse;—that these sums were accumulated till the close of the evening, and at its termination the seneschal and jury (one jury having acted throughout the day) and the various successful parties sat down and consumed it all in whiskey in the public-house in which the court was held. Another possessed, at least, one of the attributes of justice, for he was, poor man, not figu-

* Mr. Justice Day.

ratively, but literally blind*. It was scarcely possible, that in the hands of low persons the judicial powers conferred by those charters should not be made a means of exercising great oppression. As the remuneration of a seneschal arose from fees, he would naturally encourage, as much as possible, business to his court; and as the plaintiffs brought it, there was, at least, a motive for persons, such as we have described, being satisfied with little evidence of the justice of their side of the question. There was, we grant, always a jury; but then it appeared in many cases that it was composed of idle persons, who attended regularly for the liquor which they received as the price of their verdict. It was stated by a magistrate of the county of Clare, that he knew two or three men who were notorious drunkards, who travelled ten or twelve miles to be on the jury at the manor court; and that they sometimes *went circuit* with the seneschal†. He declared, that a rich man would have ninety-nine chances out of a hundred of getting a decree in those courts with which he was acquainted. He described some cases of grievous oppression arising out of such verdicts, and of the riots created by the execution of the decrees. The bailiffs, in many cases, were men as bad as the old process-servers of the quarter-sessions, and totally unworthy of credit as witnesses. Sometimes a process called a *distringas* was issued, and the goods were taken under it before the cause was inquired into. A witness described a case of this sort; he stated,—

“I have known a *distringas* to be granted against a man who had eight or nine milch cows,—a very comfortable farmer,—I dare say, a ten-pound freeholder. He thought it was a hardship to see his cattle taken, and the people collected about him; and the man who had the *distringas* had thirty or forty people with him. A fight arose, and the poor man died soon after from the beating he got. There were some of the other people nearly killed also.”

In describing the grievous oppression to which the unfortunate peasantry were subject under the provisions or mal-administration of the law, the *custodiam* process ought not to be forgotten. This is a grant from the Crown of the lands of a debtor to a creditor, and it takes precedence of all other

* Select Committee on Manor Courts (Ireland), p. 9.

† Minutes of Evidence on Manor Courts, p. 57.

‡ *Idem*, p. 120.

claims. It commences in the Court of Common Pleas by a civil outlawry; and when it is estreated into the Exchequer, the grant is made. The outlaw might have had other creditors, some of whom might have held mortgages. The tenant was liable, in such cases, before the law was altered, to be compelled, under distress, to pay his rent; and after he had paid it to one, to be attached for not paying it to the *custodiam* creditor. Under this process of attachment, wretched tenants have been frequently committed to prison, where they have lain for years.

It was stated by an Irish magistrate, in his evidence before the Committee of the House of Commons on the State of Ireland in 1825*, that under the old Constabulary Act no person could be appointed a constable that was a Roman Catholic. At all events, that such was the opinion of the grand jury of his county, on which he had been accustomed to act for upwards of thirty years. It was universally admitted, that many of the police were Orangemen; and it was stated, that the first Orange lodge which existed in the county of Limerick was instituted by them†. They frequently wore Orange insignia. The police and the people at that period habitually regarded each other as mutual enemies, and there were deadly conflicts between them. That the persons to whom the preservation of the public peace was confided should belong to a secret society which was believed by the people to be hostile to them, was a circumstance little calculated at least to promote the object for which such persons were appointed.

One of the charges advanced against the Irish is, that they have little value for an oath. If the fact be so, it is another proof that a people are always what their institutions make them. There was scarcely any matter, from the preliminary step necessary to obtain payment for a public work presented by a grand jury, down to the merest trifle in the various departments of the law and revenue, that was not vouched for by affidavits;—and the manner in which these were hurried over by a clerk or crier, who generally read the

* Fourth Report, p. 26.

† Minutes of Evidence on State of Ireland in 1825, before the Lords, pp. 226, 283.

oath in a rapid and unintelligible manner, could not fail to diminish reverence, by withdrawing all solemnity from that sacred appeal. There were also oaths administered at fairs and markets, which arose from the custom of charging toll upon the sale of cattle at so much per head; if the cattle were not sold, the toll was not demanded, and the toll-keepers were in the habit, although not legally authorized to do so, of obliging persons who claimed exemption on this ground, to swear that the cattle had not been sold. It was even common for creditors to cause their debtors to swear that they would pay their debt on a certain day.—There was, besides, the oath required at the registry of freeholders, and the long qualification oath, which Roman Catholics were obliged to take, and which very few of them understood.

When we reflect that it is one of the objects of the laws to mould and regulate the moral and social habits of the people, we cannot wonder that strife and contention should have sprung from the mal-administration of those which we have described. We do not mention the baneful influence of the penal code, or the insurrection and other acts of a similar description; we have confined ourselves in the preceding observations to a few of the ordinary means by which justice was administered in Ireland, in order to account for the unnatural conflict which so long existed between the laws and the people. Many of them which were in the abstract wise and equitable, were made vehicles of oppression: and under such a system, even those which are regarded as the very bulwarks of British liberty, were rendered utterly valueless. What was the advantage of the Habeas Corpus Act, or Trial by Jury, to him who, when delivered from gaol under the first, found his enemies to compose the tribunal that was to decide upon his innocence or guilt, under the second? Arbitrary power reversed all the principles by which society is commonly held together; disturbed in the minds of the people the plainest rules of right and wrong; and it could scarcely be a matter of surprise if life and property should have become insecure in the moral and political chaos it created. Fifty thousand soldiers could not restrain, nor tyranny beggar, the people into submission,—discontent increased with misery; and the law of Providence, as usual, decreed “vexation to violence, and

poverty to rapine." The Whig Ministry put an end to the scheme of ruling by discord; and they have produced perfect peace, because they sought it in its spirit, and based it on principles of justice.

During the existence of the old system, when a monopoly of loyalty was useful to support and justify a monopoly of power, it was usual to declare that all crimes and disturbances, arising from whatever causes, were conspiracies against the State. The population being, for the most part, Roman Catholic, and offenders against the laws commonly belonging to that class, all agrarian combinations (in which Ireland has been fruitful) were attributed to political or religious causes. That any respectable portion of the Irish people are in any way connected with the crimes committed by the lowest dregs of the peasantry, one might be reasonably inclined to doubt: and as this question has recently occupied a good deal of public attention, and may again become the subject of discussion, we proceed to examine Lord Roden's charge against the people and the Government, made in the House of Lords during the last Session, and the evidence on which it is supported.

Lord Roden assured the House that "nothing but a strong sense of duty could have induced him to forego the happiness of his domestic circle, to come into that House *year after year* to occupy their Lordships' attention with the unhappy and distracted state of the country to which he belonged. He would be criminal, however," he stated, "in this hour of deep and great distress,—*distress which in his lifetime, until lately, was altogether unknown*, were he not to come forward." It is somewhat difficult to reconcile the necessity which the noble Lord declared impelled him to appeal to their Lordships' House, *year after year*, on the subject of the unhappy and distracted condition of the country, with the declaration which concludes his sentence. But perhaps he meant, that the sort of distress to which he then referred, was altogether unknown until lately: and we proceed to examine his statement under this impression. That statement assumes the form of an impeachment of the Marquess of Normanby's government in Ireland. It may be divided under four heads. 1st. That crime in its most

frightful and repulsive form, was extending to all the counties of Ireland, which he exemplified by several recent murders. 2nd. That it was the effect of "a conspiracy, systematic, organized and secret, which was directed against the life and property of all who would not join in it and support the treasonable objects which its members had in view;"—such objects being "separation from England, in which was involved the annihilation of the Protestant faith." 3rd. That the Roman Catholic priesthood were guilty of aiding and abetting this conspiracy—he would fearlessly assert, that many of his poor Roman Catholic brethren in an humble sphere of life, might be pointed to as examples of a good peasantry, were it not for the lessons they received from those who ought to teach them better things;" and in support of his assertion, he quoted a pamphlet written by a person whom his Lordship stated to be the brother of a Roman Catholic priest, in which we are informed, that, "in consequence of the hatred with which they (the priests) inspire the people against the Protestants, they are the chief instruments in preventing tranquillity;" that "they denounce from the altar, they excite the people to lawlessness, and exercise over them an unlimited despotism by the agency of their superstition;" and that, "there can be no security for the country, nor hope for its civilization and prosperity, till this order be put down." 4th. That the Government of Lord Normanby was answerable for this state of things, and he hoped the House would agree to his motion for a Committee "*as an act of justice to the noble Marquess*, on whose Government rested so much responsibility for those tears of sorrow and streams of blood that had marked the career of his vice-regal authority;" that, "at the present moment, animosities in Ireland were more prevalent, religious distinctions more marked, the social bonds more extensively broken, the Protestant faith more a sailed, and life and property less secure, than in any former period since the passing of the legislative Act of Union;" and that, "this he should be able to prove, if their Lordships would grant him a Committee."

These were bold statements to many who had fresh in their remembrances the terrible proofs of the disorders which a le-

gislation of so many centuries of unvarying coercion—of the abominable husbandry of sowing injustice and reaping turbulence—had brought upon that country. The Insurrection Act was in force in Ireland from 1796 to 1802. Martial law succeeded from 1803 to 1805. The Insurrection Act was re-enacted, and remained in operation from 1807 to 1810, again from 1814 to 1818, and again from 1823 to 1825. For sixteen out of twenty-seven years, Ireland was out of the pale of the constitution;—Arms Acts—Insurrection Acts—Algerine Acts—suspension of *Habeas Corpus*—and the abolition of Trial by Jury—all abundantly prove, that if Ireland had not many real grievances to complain of, there was at least a formidable amount of actual disturbance to be repressed. If the preamble of an Act of Parliament be not a false witness, there existed so early as 1776 a considerable extent of outrage in Ireland. The 15th and 16th Geo. III. (c. 21), passed in that year, sets forth,—

“ That whereas it has frequently happened of late years in different parts of this kingdom, that several persons calling themselves Whiteboys and others, as well by night as in the day time, have in a riotous, disorderly, and tumultuous manner assembled together, and have abused and injured the persons, habitations, and properties of many of his Majesty’s loyal and faithful subjects, and have taken and carried away their horses and arms, and have compelled them to surrender up, quit, and leave their habitations, farms, and places of abode, and have with threats and violence imposed sundry oaths and solemn declarations contrary to law, and solicited several of his Majesty’s subjects by threats and promises to join with them in such their mischievous and iniquitous proceedings, and have also sent threatening and incendiary letters to several persons, to the great terror of his Majesty’s peaceful subjects, and have taken upon themselves to obstruct the exportation of corn, grain, meal, malt, and flour, and to destroy or damage the same when intended for exportation; and have also destroyed mills, granaries, and storehouses provided for the keeping of corn; which, if not effectually prevented, must become dangerous to the general peace of this kingdom and his Majesty’s Government therein.”

In 1784, Dr. Troy, the then Roman Catholic Bishop of Ossory, addressed a pastoral letter to his flock, in which he said—

“ We are much concerned to observe riot and disorder pervading many of our communion in several parts of this county and diocese; they have presumed to administer oaths of combination, and proceeded to barbarous acts of outrage against the persons and property of several individuals; in a word, they notoriously violate the most sacred laws, and equally despoise

the injunctions of their spiritual and temporal rulers. We do hereby solemnly declare, in the name and by the authority of our Holy Mother the Church, that the association oaths usually taken by the misguided and unhappy wretches called Whiteboys, are bonds of iniquity and consequently unlawful, wicked, and damnable; they are not therefore binding in any manner whatsoever."

In 1787 this prelate addressed a circular letter to his clergy, declaring to them that whoever obstinately adhered to the Whiteboy Oath, was unworthy of catholic communion.

In 1801, when the late Lord Castlereagh proposed the suspension of the Habeas Corpus Act and the substitution of Courts-Martial for the ordinary judicial tribunals, he described a state of the country which the parliament of that day considered sufficient to justify what Lord (then Mr.) Grey indignantly termed "so monstrous and unexampled a violation of the constitution." In 1807, the Duke of Wellington, then Sir Arthur Wellesley and chief secretary for Ireland, upon the introduction of the Insurrection Act for the first time, drew a frightful picture of the amount of disturbance, in which Mr. Grattan acquiesced, and lost much of his popularity by consenting to the infliction of such a remedy. Mr. Wellesley Pole, in 1810, represented that social order had not been restored, and moved that the Insurrection Act might be re-enacted. In 1814, Sir Robert Peel introduced his Irish Preservation of the Peace Bill. This was a renewal of the Duke of Wellington's measure of 1807. It empowered the Lord Lieutenant, on the representation of seven magistrates, to issue a proclamation declaring a district to be disturbed, and enabled two magistrates to sentence to seven years' transportation persons found out of doors between sunset and sunrise, without good cause. It authorized the magistrates to make domiciliary visits, and dispensed with trial by jury if necessary. It was in vain urged, that fourteen years had passed since the Union, from which so much advantage to the country was predicted, and that, instead of coercion, which had been so constantly resorted to and had constantly failed to correct the evil state of society universally acknowledged to exist in Ireland, it might be advisable, even by way of experiment, to try some other course of treatment. But Sir Robert Peel silenced all opposition, by stating that

the "Caravats" were levying contributions from the small farmers every night, and seizing arms and ammunition, and by describing the horrible system of carding then practised by the violators of the public peace. The outrages described by him to have been committed at that day were of the most daring description. He declared upon the authority of a representation from thirty-six magistrates, which was confirmed by subsequent resolutions of the grand jury at the assizes and other documents, that bands of armed men were traversing the country in open day—and that assassinations had been perpetrated at a place of worship and in the face of a large congregation without resistance. He expressed his belief, however, that flagrant as these outrages were, they did not arise from political combination. In 1816, during the vice-royalty of Lord Whitworth, it was found necessary to protect the mail-coaches with dragoons; and in 1822, when Lord Wellesley called for a renewal of the Insurrection Act, his despatches stated that the peasantry of Cork were up in arms—that they had actually fought a battle with the king's troops—that murder stalked abroad by day, and conflagration blazed by night. If we mistake not, Lord Roden was present at the debate on this question in the House of Lords, and did not deny the great extent of disturbance and the formidable combinations that existed, which he then attributed to absenteeism. Again in 1833, every one remembers the celebrated speech of Mr. Stanley—his description of the murder of Mr. Houston—of the burning of the house of Maddocks and destruction of its inmates—and the long list of outrages he read from the Reports of the Chief Constables. These chiefly consisted of burglarious attacks on houses and robberies of arms, "at once the object of those nightly plunderings, and the means of fresh depredation and outrage." He stated—

"The number of attacks on houses in the province of Leinster during the last three months of the years 1829, 1830, 1831, and 1832 is as follows: in 1829, 39; in 1830, 94; in 1831, 251; and in 1832, 530. The number of cases of serious assault in the same periods respectively, is, in 1829, 45; in 1830, 54; in 1831, 89; and in the last three months of 1832, 235. Embracing the totals of crimes of every description committed in Leinster during the same periods the result is, in 1829, 300; in 1830, 499; in 1831, 814; in 1832, 1513."

Several committees of both Houses of Parliament inquired into the causes of the state of the country we have described. Mr. Blackburne, who had been appointed one of the King's Counsel to administer the Insurrection Act in parts of the counties of Limerick and Clare, in his evidence before the Select Committee of the House of Commons appointed in 1823 to inquire into the grounds of disturbances, stated that he was of opinion that in Limerick and the adjacent parts of the counties of Cork and Kerry, the spirit of insurrection which had broken out proceeded from local causes and the condition of the lower orders of the people*. It was most prevalent in districts where the population was extremely dense and the condition of the peasantry most miserable, and that outrages were in general stimulated by some personal motive, or something which was felt as an act of aggression, by the parties who committed them. Land, being the only mode of livelihood, became a necessary of life, and the rent had risen to a price beyond anything which could be called its intrinsic value. The general objects of attack, was the property of the landlord who had distrained or ejected a tenant, or the property of the tenant who had succeeded the former occupant. In acts requiring combination or force, Mr. Blackburne stated that the criminal law had been executed and persons brought to justice and punished—and that such offences only escaped detection and punishment which could be committed by a single hand, such as the burning a house, hay and corn, the houghing of cattle, and the posting threatening notices. Hiring a stranger in the country, was a matter against which confederacies had shown great hostility. A man had been charged with murder in the county of Kerry; he came to Limerick some time previous to 1823, where he hired himself permanently. A party of from nine to twelve persons, after having drunk a great deal of whiskey at a neighbouring public house, called at the house where this man was hired and beat him to such a degree that they left him supposing him to be dead. They could have got rid of him by delivering him up to justice; but they preferred doing justice, as they

* Minutes of Evidence, p. 1.

called it, themselves. Mr. Blackburne was asked, if in the cases of some persons ejected there was any misconstruction as to the nature of the lease, or if they did not distinctly understand they had only a temporary interest in their holdings? He replied that there was none; but "that the situation of a tenant in such a country who was about to lose his land must be considered; his land is his sole means of existence and support; it is really the only thing to which he can look as the means of preserving the existence of himself or his family; he therefore clings to it with the utmost determination. In truth, it is necessity that makes him look to the loss of his land as the greatest evil that can befall him."

He added, that the conspiracies which then existed had not any object that could be termed religious or political. When local irritation induced the people to combine, their first measures were the taking of arms and administering unlawful oaths. Property being the object of attack, and the dominion of it being in the hands of Protestants, might have given a religious character to those conspiracies; but Roman Catholics were attacked as well as Protestants. In answer to a question respecting the nature of Ribbonism, Mr. Blackburne replied, "*I consider the whole confederacy a Ribbon society.*"

The Roman Catholic priests exerted their influence for breaking up these combinations, with the most beneficial results, and the bishops in their pastoral addresses zealously denounced them. One of these, from the Roman Catholic bishop of Limerick, about this time excited a good deal of attention, and affords an abundant proof that in the disturbed districts the clergy exerted themselves to the utmost to induce the people to abandon insurrectionary habits. We annex a portion of it, as an answer to the pamphlet quoted by Lord Roden:—

"At the commencement of the present unfortunate disturbances of this distracted country, I addressed letters to the clergymen of this diocese, requesting they would impress upon the minds of the people entrusted to their care, the severe and destructive calamities they were bringing on themselves and their miserable families. I have since waited, expecting that the admonitions given and the general prayers offered up to the throne of mercy, would have the happy effect; but, alas! no sign of amendment

or repentance has appeared; even the evil has been increased, by the wicked enemy sowing his tares amongst the good seed. Was I convinced that this obduracy proceeded from a total contempt of religion and want of obedience to the laws, and that you had lost all influence over your flocks, I would offer up my most fervent prayers and tears in silence for their conversion. But as I have reason to think that this is not entirely the case, and that there may still remain some hope of their sincere conversion and repentance, I request you will still persevere in your present exhortations to them. Let them know that I most solemnly declare, that I have no other motive under heaven but their happiness and salvation; and, like the good shepherd, I am ordered by the express word of God to prevent the wolves from destroying the flock. But surely when the people are seduced by the false and treacherous promises of wicked men to abandon their families and houses, and exchange their usual habits of industry and useful labour for bloodshed, famine, crimes, and disease, no man who loves Ireland should be silent. I know that you consider the happiness and salvation of your flocks to be your chief study, and the employment of your whole lives. Gratitude, I hope, is not yet extinguished in the hearts of Irishmen, and I am confident they will return to their peaceable habits, before the cup of iniquity overflows and no further time is granted for repentance. Thus only, by the surrender of the destructive weapons of bloodshed and death, can they expect pardon and forgiveness; let them deliver them to magistrates, clergy, and proper authorities for receiving them, and not until then can anything be done to ameliorate their condition. * * * Let them render to all men their dues, tribute to whom tribute is due, custom to whom custom, fear to whom fear, honour to whom honour."

In this address, the people are reminded of the gratitude they owe to the gentry of the county for their liberal donations for the erection of chapels—of the then recent visit of the king, and of his promise "to be always attentive to the affairs of Ireland,"—and of the exertions of the Duke of Sussex in behalf of the St. Patrick's charity. Every topic of irritation is avoided, although there was a great deal of indignation excited in the neighbourhood about this time by the cruelties exercised upon the people. The agent of one estate had, for the purpose of consolidation, dispossessed a numerous body of the tenantry; their houses were prostrated, leaving the people at liberty to carry away the timber. The number of persons thus deprived of their homes was very large, consisting of about forty families—persons of all ages and sexes, and one woman almost in the extremity of death.

The celebrated pastoral letter of Dr. Doyle, addressed to his diocese about this period, was re-published by Sir John

Lambert, the commander of the forces in the south, and circulated amongst the people. It contained the following amongst other striking passages:—

“Is it by the breaking of canals, by the destroying of cattle, by the burning of houses, corn, and hay, and by establishing a reign of terror throughout the entire country, that you are to obtain employment? Is it by rendering the farmer insecure in the possession of his property that you will induce him to increase his tillage? Is it by being leagued against the gentry that you will prevail on them to improve their homes and demesnes? Is it by causing a heavy police establishment to be quartered throughout the country, to be paid by taxes collected from the holders of land, that you will enable them to give you employment?”

Major Willcocks, who was inspector under the Constabulary Bill in the province of Munster, and who previous to that appointment was chief magistrate of police, under the Peace Preservation Act, in the counties of Tipperary and Limerick, was examined before that Committee, and stated that he found disturbance most prevalent where the lower classes were in the state of the greatest wretchedness and poverty. That in the western parts of the county of Limerick he found the people lying on a thing which grows upon the edges of the bogs, called sedge, strewed over a corner of their wretched hovels, and with very little covering. The disturbers of the peace consisted of the very lowest class of peasantry and servant-boys, and disturbance originated in local causes:—in Waterford, its object was to keep strangers out of the county, who came there at certain periods of the year to assist in agricultural pursuits—in Meath it was caused by disputes about land and rights of commonage—in Tipperary, the exciting causes were land and tithe. At Askeaton, in the county of Limerick, a skirmish had taken place between the police and peasantry, in which several of the people were killed and one policeman shot. It was alleged that two persons who had been dangerously wounded in the affray, were brought into Rathkeale and thrown into some pit or hole, that had been dug for the purpose, before the vital spark was extinct and without any rite of sepulture. This circumstance produced a strong impression upon the minds of the peasantry, who have a particular anxiety with regard to the ceremony of burial. Major Willcocks was of opinion, that although there was heat in the bodies, the men

had been dead before they were flung into the pit; yet the universal impression amongst the people was otherwise. Major Going, who was police magistrate and whose chief-constable or chief-secretary commanded on that occasion, was afterwards murdered. Major Warburton bore testimony to the admirable patience with which the people bore up against their constant misery and the frequent visitations of famine;—he stated that “they have a great feeling of respect for their superiors, generally speaking—particularly any person they consider to be a gentleman—they always treat with respect a clergyman, no matter what church he belongs to, from a reverence of his character—and in any cases where a disinclination against their superiors exists, it is rather individual than general.” He believed that disturbances in Clare had their origin in a combination of causes—very great distress—great want of employment; and that there was also a political influence. He thought the Ribbon system distinct from the local system; but when asked if he did not recollect that, in 1820, the persons who made an irruption from Galway went by the common name of Ribbonmen, he replied, “Yes, at the time alluded to they were called Ribbonmen, certainly; but when I say that I do not think they were the Ribbonmen I had been alluding to, I did not know at the time they were under the same obligation*.” Mr. Thomas Powell, inspector of police for the province of Leinster, was convinced that the disturbances in the county of Kilkenny were produced by a combination to prevent the dispossession of old tenants or to admit new tenantry; a Mr. Mason was a great land-jobber there, and being in the habit of taking land after tenants who were dispossessed, was murdered. He was a Roman Catholic. Mr. Griffiths attributed the turbulence in the county of Cork to the fact, that on the fall of agricultural produce, the gentry and farmers, finding there was a better price for butter than for corn, changed their farming system from tillage to grass, and that consequently a great number of labourers were thrown out of employment, who were easily led to the commission of crime by the

* *Vide Minutes of Evidence, p. 137.*

Whiteboy leaders, and acted against the gentry and farmers who refused to give them potatoe ground at the rate which they prescribed. He thought that if an English gentleman were to invest capital in the centre of the most disturbed district, that neither himself nor his property would be in any hazard, provided he dealt fairly by the people; and he was persuaded that there was no people with whom he was acquainted, and he had conducted works in England and Scotland, that were more anxious for employment and more disposed to act peaceably when employed and treated with justice. Mr. Justice Day, who had been twenty-one years on the Irish Bench, stated that disturbances commenced in the county of Limerick upon Lord Courtenay's estate, where there was a good deal of oppression practised. In the county of Kerry they were principally owing to the total want of employment for the peasantry—the absence of the great landed proprietors—and consequent suffering and distress. In that county no feeling of religion had any part in the discontents, as the two sects lived there in perfect harmony; nor did he think there was any religious colouring in the character of the county of Cork or Limerick disturbances. Property, and not religion, was the principle that governed it—and individuals of both persuasions were indifferently the objects of attack. He considered that there was not a more loyal people on the face of the earth than the Irish, but they were heavily overburthened, and that Catholic *equalization* would be highly essential to the welfare and prosperity of the country. Mr. Dunn, a commissioner under the Tithe Act, attributed the disturbed state of a part of the county of Kilkenny to the excessive exaction of tithes and ejectments from land, and of the county generally to similar causes, combined with county rates and cesses, and all those extraordinary charges which fall exclusively upon the occupier of the soil. The tithe proctor had been murdered in the barony of Galmoy, and also a man of the name of Marum, a Roman Catholic, who had been much in the practice of looking out for reversionary leases—turning out the occupying tenantry and taking the lands into his own hand.

In 1825, committees of the Houses of Lords and Commons again inquired into the state of Ireland, more particularly

with reference to the circumstances that had produced disturbance, and the best-informed persons, men of the most extensive experience in Ireland, examined before those committees, corroborated the evidence of the preceding session. That inquiry was of the most extensive nature, and merited the description given of it by Lord Melbourne in the House of Lords on the occasion of Lord Roden's motion—"everybody was examined, and about everything." Of Ribbonism, which has since been so much canvassed, very little appeared to be known. It was described to be the antagonist to the Orange faction, and that both existed usually in the same districts. The former excluded Roman Catholics from their body, and the latter Protestants; and they were equally bound by a secret oath. In the oath of the Orangemen, allegiance to the sovereign was conditional, being to support and defend the king so long as he supported the *Protestant ascendancy*; which the Deputy Grand Master declared to mean, "that the King and the Church and the Houses of Parliament, and all confidential and principal officers should be exclusively Protestant." One of the chaplains, who we may naturally suppose would give the tone to others of the body, described to the committee the mode by which he would recommend the pacification of Ireland. He was of opinion that it would be better to recur to the state of things as they existed previous to 1793, and to take away the elective franchise from the Catholics. This he stated, "would give confidence and satisfaction to the Protestants." He considered that the Roman Catholics "were in opposition to the Government," that "they were almost universally bound together by oaths of a treasonable nature," which was proved by "the numerous convictions that had taken place for people being engaged in the Ribbon societies, Threshers' societies, and a number of others; first of all, the United Irishmen, then the Ribbonmen, then Threshers, and now Whiteboys, all of whom have been guilty of most violent and atrocious acts principally directed against Protestants." He was asked, if he thought it possible to coerce, for any length of time, five or six millions of Catholics, which then existed in Ireland? he replied, "I do—the means I have mentioned would probably keep them quiet

"after the first ebullition was over*." It appears, therefore, that the opinions of persons who are or have been connected with the Orange society cannot be safely relied upon as guides for forming correct notions of the state of Ireland, or for adopting safe and sound principles for its government. When we find the views of Lord Roden differing from those of a great variety of persons of the most extensive experience with respect to that country, we may be excused for believing him to be under the delusion by which party zeal so strangely misleads even men who possess excellent understandings and amiable qualities in private life.

If we recollect aright, one of the pass-words or signs of the Orange confederacy, was, "*Brother, where have you been?*" "*In a trance,*" was the reply. We think the person who entertains any doubt as to the causes and objects of outrages in Ireland, after so much investigation, might safely answer the above question in the manner prescribed. But what say the witnesses who have been called upon to prove the series of statements and charges embodied in Lord Roden's speech?

The crown-solicitors are entitled from their experience to the first place. Mr. Kemmis, crown-solicitor for the Leinster circuit, comprising Wicklow, Wexford, Waterford, Kilkenny and Tipperary, and who has filled the same office for the county and city of Dublin, and that of solicitor to the Treasury in Ireland, for thirty-eight years, during which period he never missed a circuit, says, that on the Leinster circuit outrages are mostly agrarian, committed neither on account of religion or politics; and that in Tipperary there was always a great number of outrages, three-fourths or more of which are attributable to the letting and disposition of land†. Mr. Matthew Barrington, who has been for twenty-five years crown-solicitor of the Munster circuit, and who has the most accurate knowledge of the state of the counties of Cork, Kerry, Clare and Limerick, including the cities and counties of cities of Cork and Limerick, states that there being no manufactures in Ireland, the actual existence of the peasantry

* Minutes of Evidence before Select Committee of the House of Lords on Disturbances in Ireland, 1825, pp. 549, 550.

† See Minutes of Evidence on State of Ireland in respect of Crime, before Lords' Committee, 1839: Questions 6817-18-19, 6743-4-5-6.

depends upon their having land, and the whole disturbances of the country are produced by a desire to possess it—that the persons chiefly engaged in the commission of outrage are the lowest description of labourers and farm-servants, persons without land and without employment—that the threatening notices lately served upon the farmers in the county of Clare were produced by the anxiety of the poor people to get conacre—that outrages have always been local upon his circuit, never directed against any persons on account of their professing any particular religious creed—that they have been always committed against men of all religions indiscriminately—and that in his twenty-five years' experience he never knew an outrage committed for a political object*. Mr. Piers Gale, who has been for twenty-two years crown-solicitor of the Home circuit, including the counties of Meath, Westmeath, King's, Queen's, Carlow and Kildare, says that there are no manufactures in Ireland, and that, consequently, if a poor man is deprived of his land, whether rightfully or wrongfully, he has little to depend upon, and is therefore extremely reluctant to leave the ground, and indignant at any person that takes it over his head, and that it scarcely ever happens that religion has anything to do with outrages on the Home circuit†. Mr. Hamilton, who has been for nine years crown-solicitor of the North-eastern circuit, consisting of the counties of Louth, Down, Antrim, Armagh and Monaghan, and of the counties of the towns of Drogheda and Carrickfergus, states that one great cause of outrage, the collection of tithes, was removed of course. That Armagh, in consequence of religious party differences, is the most disturbed county on his circuit. That the disturbances are produced by Orange processions, which are now, in consequence of the change in the law, attended by only the lowest class of Protestants. That the following is the manner in which the disturbances are produced: a number of Orangemen choose to walk in procession through some village inhabited by many Roman Catholics. They are decorated with various badges and insignia. The Orange flag is perhaps waved into some Roman

* Questions 7641, 7452, 7636, 1353, 7435, 7437. † Questions 8605, 8710.

Catholic's face; stones are then thrown at the procession party, who, of course, repel the attack. The destroying or wrecking of the whole village probably follows. The Protestants, being beaten out of the town by the Roman Catholics (who rise in great numbers for the occasion), get the worst of it; their flags are probably taken from them; their drums are trampled on and broken. They come back in a day or two, having collected all the forces they possibly can, and avenge themselves. This creates, of course, a great deal of private animosity between the parties who have been engaged in the conflict, and they will, some time or other, have their revenge for any particular injury they each have sustained during the affray*.

Mr. Hickman, who has been for upwards of twenty-five years crown-solicitor for the Connaught circuit, which includes the counties of Roscommon, Leitrim, Sligo, Mayo, Galway, and the county of the town of Galway, says, that upon his circuit, of late years, he never knew one offence committed against a man on account of his religion, nor any directed against the Government and institutions of the country; that they all arise from disputes respecting land, wages, &c.† Mr. Tierney, crown-solicitor of the North-western circuit for twelve years, which consists of Longford, Cavan, Fermanagh, Tyrone, Donegal and Derry, says that plunder has no influence in the offences which come to his knowledge, and that the prevailing cause of outrages is the letting and possession of land, and the dispossessing of the former tenants and occupiers‡.

The inspectors of police are the class of witnesses whose evidence perhaps next deserves consideration. Major Warburton had been upon the establishment of the Irish constabulary from 1816 to 1838, when he resigned. He was originally appointed a chief magistrate; then provincial inspector for about thirteen years; then deputy inspector-general; and, lastly, inspector-general in the interval between the resignation of Colonel Kennedy and the appointment of Col. McGregor;—he says that there is a great deal of misery

* Questions 8929, 8935, 8940, 8943, 8941.

† Questions 8401, 8406-7.

‡ Questions 7726, 7728.

in every shape among the poorer classes, whether they have land or not; that a poor man, turned out of his land without the means of maintaining his family, will endeavour to get it by crime if he cannot by other means, and that such a state of things must necessarily involve people in crime when reduced to destitution. That the causes which operate to produce crime and outrage at present, are the same that, for many years back, produced the like results, and that the outrages were directed against Catholics as well as Protestants*. Colonel Kennedy, inspector-general of the Irish constabulary from the 1st June, 1836, to 15th March, 1838, states that the ground-work of all Whiteboy offences is connected with land, that the increase of crime is attributable more to social than political causes, that political agitation and religious differences appear only to increase crime by affecting the social condition of the people, and that whatever affects the tenancy of land, will instantly affect crime†.

We now refer to the evidence of Mr. Howley, who has been assistant-barrister for Tipperary since 1835, and had previously been assistant-barrister for the King's County since 1827. He stated the causes of outrage in Tipperary to be the wholesale ejectment of tenants; and, if it were the wish of the committee, he was ready to name the proprietors who had been so charged. He was directed to withdraw, was again called in, and the question was not repeated. He added that from conferences with other barristers it appeared that ejectments at sessions were more numerous in Tipperary than in any other county, that he himself had more than a hundred and fifty at one sessions, and that there were also a great many brought in the superior courts‡.

We next take the stipendiary magistrates. Mr. Brew, a stipendiary magistrate since 1831, and who had been in the police force for seven years previously, and in the commission of the pence, says that the people of Clare are in a state of great destitution, and likely to become progressively worse; that such is also the case in other parts of Ireland; that the whole of the west is subject to periodical starvation, and that

* Questions 1266-7-8, 1272, 1000. † Questions 206, 282, 283, 286, 291.

‡ Questions 9972, 9991-2, 9974.

there is great difficulty among the peasantry in procuring land for potatoes, although they are willing to pay from 8*l.* to 10*l.* an acre for it. That the cause of the crime of Terry-Altism, in Clare, was the tenant's receiving notice to quit. That the attacks on houses in that county, in 1837, proceeded from the scarcity of provisions. When a supply came the outrages all ceased*.

Mr. Tabiteau says, there is great destitution in Tipperary, which is his district, that ejectionment is synonymous with reducing the cottier tenant to destitution, and that something about land is the cause of all murders in Ireland†. Mr. Barnes states that there is not the slightest hostility, that he is aware of, exhibited against the Government‡, and a similar statement is made by Captain Warburton§. Similar evidence was given by Judge Moore||, Sir William Somerville¶, and many other witnesses of the greatest experience. With respect to the amount of crime and outrage, from 1835 to 1839, the period of Lord Normanby's government, as compared with periods antecedent to 1835, Mr. Kemmis, the crown-solicitor, states that Wicklow has been gradually improving, and is now as tranquil as any county in England. Wexford is nearly in the same state as Wicklow. Kilkenny, some years ago, was disturbed by many outrages; latterly it is not so: it is now more tranquil than usual. That in Waterford outrages have not increased; he thinks it is in a tranquil state, although some outrages have been committed. It has been latterly getting quieter. That in Tipperary crime has not increased in proportion to the increase of the population. That population has considerably more than doubled in that county within twenty-eight years; but that crime has not**. Mr. Barrington says that Cork is as tranquil as any county in England; that Kerry is equally so; that in Clare there were lately a few outrages, from an anxiety to get land for potatoe-ground, but that he believes they have been put an end to by the potatoe-ground being

* Questions 12,726, 12,734, 12,727, 12,719, 12,720, 12,717, 13,048.

† Questions 9735, 9720, 9746. ‡ Question 11,803. § Question 9382.

|| Questions 11,379-80. ¶ Question 14,589.

** Questions 6723, 6724, 6725, 6739, 6741, 6836, 6755, 6756, 6759, 6760.

given*. Mr. Gale says that Kildare is very peaceable; that Carlow has had lately some homicides about property—in one instance brother against brother; and, in another, a very bad murder was committed to get at some money in a house. That Queen's County is very much more peaceable than it was. Meath is perfectly tranquil, with the exception of a case of Ribbonism, if Ribbonism it be, which is pending at this moment. It has been in the same condition for four, five, or six years. Few prosecutions had taken place in Westmeath of late. In 1827 there were forty-six cases prosecuted by the crown, seventeen capital convictions, and fifteen executions. This was in one town (Mullingar), and at one assize. In 1833 there were forty prosecutions, many convictions, and nine executions, at Philip's-town. In 1834 seven persons were executed at Trim and Meath. These are cases one seldom hears of now. There was a special commission in the Queen's County about five or six years ago; and before that period the state of the country was very bad. Generally speaking, the King's County is more quiet than it was; and he does not think it possible that any system of outrage or crime of any nature could prevail on his circuit without his knowledge, as they (the crown-solicitors) are very alert in endeavouring to trace them; that they are interested in doing so, and that where they are tangible they always prosecute. Increasing the number of prosecutions very much tended to the prevention of crime. Mr. Woulfe, when attorney-general, said that a poor man's cow ought to be protected as well as any other property†. Mr. Hamilton states that Down is very tranquil, and has always been so. That Louth is not very tranquil, although there is not a great deal to be done at the assizes—about the same that it was four or five years ago. That Antrim is particularly tranquil, more so than it was a few years ago. That Armagh is the most disturbed county on the circuit, owing to religious party differences, and that crime of a serious nature has not increased within the last five years on his circuit‡. Mr.

* Questions 7338, 7339, 7343.

† Questions 8559, 8577-8-9, 8580, 8586, 8560-1, 8566, 8575, 8640, 8612.

‡ Questions 8917, 8921, 8923, 8930-2, 8933, 8935-6-7, 9035.

Tierney states that Longford is very much disturbed, and that Cavan was in a very bad state in this last year*. That Fermanagh, Tyrone and Donegal were better than usual; that there was scarcely any crime in Derry, and that there has not, he thinks, been any trial for homicide in any of these four counties at the last assizes†. Mr. Hickman says that the whole Connaught circuit has, during the last five years, been in a more tranquil state than previously; and that they prosecute a considerably greater variety of cases at present than before‡.

The police inspectors, stipendiary magistrates, and a variety of other witnesses gave similar evidence, which was corroborated by tables produced by Mr. Drummond, founded on the returns of the constabulary and the inspectors-general of prisons, by which it appeared that, comparing the mean of the three years, 1826, 1827 and 1828, with that of 1836, 1837 and 1838, there had been a decrease, on the latter period, of those crimes which exhibit a bad and disturbed state of society, to the following extent §:

	Decrease
" Murder and Manslaughter	56, or nearly ten per cent.
Shooting and stabbing	42, or forty-six per cent.
Conspiracy to murder	7, or twenty-nine per cent.
Burglary	163, or fifty-six per cent.
Housebreaking	548, or eighty-six per cent.
Cattle, horse, sheep and pig-stealing	298, or thirty-four per cent.
Assaults, with intent to rob	46, or fifty-four per cent."

It appeared at the same time that a greater number of minor offenders had been made amenable to the laws, through the vigilance of the police, and that during the latter period the proportion of convictions to committals had increased. In 1826 the number of convictions was little more than one-half the number of committals; in 1838 it was somewhat more than three-fourths. It is to be also recollected that, with respect to the class of people from which the criminals chiefly come, there is no reason to believe that their condition has improved. Mr. Drummond states that this was one of the points to which the Railway Commissioners directed

* For causes vide his evidence ante. † Questions 7714, 7716, 7718, 7721, 7722.

‡ Questions 8366, 8369. § Question 13,135.

their attention in computing the probable return upon railways from the improving state of the country; and the result of their inquiries was, that, while there was a great increase in the commercial transactions of the country, the condition of the lower classes of the peasantry had been deteriorated. With regard to the special cases of murder upon which Lord Roden partly founded his assertions of the existence of a treasonable conspiracy, it is in evidence that all of them (with one exception) were connected with the tenure and occupation of land. The single exception is that of Lord Norbury, the cause of which is involved in mystery. Notwithstanding the greatest efforts on the part of the Government, and the offer of rewards amounting to the sum of 6000*l.*, no trace whatever of the perpetrators of that murder has, we believe, been discovered. It appears that crime of a peculiar atrocity co-exists in Ireland with an increasing disposition on the part of the people to respect and obey the laws. The extension of the latter, by means of a pure and unsuspected administration of justice, will have a powerful effect in the extirpation of the former; but while the law is vindicated and the criminal punished, it is the duty of the Legislature and the Government to remove, by every means within their power, those deep-seated causes of misery and destitution which have materially served to produce a state of society so much to be deplored.

The information on the subject of Ribbonism, laid before the Committee, seems to have been derived from approvers, whose testimony is declared to have been totally unworthy of credit. The informants of Mr. Hamilton were persons of a very bad description*; those of Captain Vignoles, were ignorant criminals in gaol†. In some cases they subsequently declared that their sworn examinations were false, and that they knew nothing whatever of the transactions detailed in them‡. In all cases, by their own acknowledgment, they were violating their oaths in giving evidence, and not from any scrupulous feelings of their unlawfulness or criminality, but solely from motives of self-interest§. Five of the in-

* Questions 9037, 9040-1.

‡ Question 8277.

† Questions 3644, 3648.

§ Question 4777.

formants who gave information about the drilling of the peasantry were transported for perjury committed in that case; and in no single instance has an informant been able to support his statement*, or ever given notice of an outrage prior to its execution.

It was natural to suppose that, when money was offered for information on this subject, there would be a number of candidates in the field to obtain it. One of the persons who presented himself for this purpose was a policeman, discharged for misconduct. He was also a Protestant, but he went to mass for the purpose of getting into the secrets of the Ribbonmen, and it appears he was quite unsuccessful, although he was paid the sum of fifteen pounds for his services on the occasion. This man afterwards declared himself to be one of the murderers of Lord Lorton's steward, and tendered himself to Mr. Barnes as an approver, claiming the reward and pardon offered by the proclamation. As this statement was known to be false, his offer was not accepted, whereupon he went to Captain Warburton, a stipendiary magistrate, and entered into a long statement respecting Ribbon Associations and their objects. Captain Warburton gave him some money and reported his evidence to the Castle, which was discovered to be wholly invented. He was afterwards committed to Longford gaol for an assault. It does not appear that a single person came forward upon whose uncorroborated testimony any reliance could be placed. One of these was, according to his own account, present in the town of Sligo in November 1838, at a meeting of Ribbonmen where a murder was concocted, which was not committed until the end of March 1839; and although he was, during the intervening period, in communication with the police and Mr. Faussett, the provost of that borough, he never mentioned the subject until the month of April subsequent to the murder. He was, like the rest, a person of the worst character†. These approvers generally stipulated that they should not be brought forward to prosecute, and that their names should not be divulged, being very willing to get the money if they could do so without committing them-

* Question 13,982.

† Questions 13,256, 2356.

selves. Some of them appear to have made a very good trade of their imposition. One, a northern pedlar, received money from Mr. O'Ferrall, a commissioner of police in Dublin, to go to the north and bring a full account of these associations, which were stated to be most prevalent there. No intelligence, however, was obtained from him*; nor have the exertions of the most efficient police and the most active magistrates, with ample means at their disposal, been more successful. Mr. Drummond produced every case of Ribbonism which had come under the notice of Government since 1835. The prosecution in all these cases was either abandoned for want of sufficient evidence, or failed, when brought to trial, on account of the witnesses not being credited by the jury.

It appears from the evidence before the Committee that the promoters of Ribbon societies are publicans of a low class and bad character, whose sole object is to earn money. The scheme has proved so profitable as already to have become an object of competition. Two publicans have placed themselves at the head of rival societies, and a strong factious feeling has manifested itself between the rival parties. What the exact nature of Ribbonism is, no one was able to determine, nor has any distinction been discovered between it and other illegal societies in Ireland. In those places where it was not supposed to exist, the same agrarian outrages were occasionally committed as in other places where it was declared to be most prevalent. A return was called for by the House of Commons of copies of all reports by the constabulary of outrages connected with Ribbonism since the beginning of 1835. The sub-inspectors were required to supply the necessary documents, but they were not able to produce any facts which could serve to distinguish what was called Ribbon outrages from others supposed to be committed by persons belonging to secret societies. On this subject Mr. Kemmis, the crown-solicitor for the Leinster circuit, stated, that he could not say what was understood by Ribbonism or what was its object; he had heard it was a secret society connected together by an oath†; the only instance he

* Question 4761.

† Question 6769.

had known on his circuit of anything in reference to it was one in Kilkenny, where a man came into the county and administered an unlawful oath to a person there, for which he was convicted and transported*; and that the exertions used by the Government and their law-officers for the last five years in bringing offenders to justice had been as great as those of any former Government under which he had served. Mr. Barrington, crown-solicitor for the Munster circuit, said he hardly knew what it was†; that he believed the Ribbonmen were the same as the Whiteboys‡; and that being able to trace almost every outrage on his circuit to a particular and known cause, he could not attribute it to a secret one. He bore witness to the exertions made and the expenses incurred by Government to discover and prosecute offenders. Mr. Tierney, crown-solicitor of the North-western circuit, stated, that Ribbonism on his circuit meant associations formed in opposition to the Orange Association in the north of Ireland. Further than this he did not know what it meant, and this much he knew only from conversation on the subject§; that the practice of giving protection to witnesses had increased within the last three or four years||; and that the number of prosecutions had also increased upon his circuit. He further observed, that it was only within the two last years that crown-solicitors prosecuted cattle-stealing and robberies of private property,—and that rewards were offered by the present Government to a greater extent than they had been by any former one¶. Mr. Gale, crown-solicitor of the Home circuit, stated, that it was very difficult for him to say what he understood by Ribbonism, for it assumed different appearances in different counties. He considered it an illegal combination of the lower orders to defeat the laws, and principally in reference to land**. That the Government invariably took care of the witnesses who came forward, at whatever cost, to the extent of large remuneration and comparative affluence abroad††, and that increasing the number of prosecutions has tended very much to the prevention of crime‡‡.

* Question 6772. † Question 7514. ‡ Questions 8430-1.

§ Questions 7737-8-9. || Question 7978. ¶ Questions 7731-3-4-5-6-34.

** Question 8660. †† Questions 8623, 8700. ‡‡ Question 8612.

Mr. Hamilton, crown-solicitor of the North-eastern circuit, was of opinion that Ribbonism was a society formed for the purpose of disconnecting England and Ireland and establishing the Roman Catholic religion. He put this construction on it from what approvers and witnesses had told him,—but these were persons of a very bad description, whose crimes generally of themselves would render them very incredible witnesses, and who, he believed, stipulated for protection and reward. He had never prosecuted any one for Ribbonism on his circuit, and crime of a serious nature had not increased within the last five years. Everything which he had made a report on to the Government and recommended to be done was done, and he had received directions to place himself in communication with the stipendiary magistrate of the county of Louth, with whom he had been in consultation, but they never could make a sufficient case to put any one on trial*. Mr. Hickman, crown-solicitor for the Connaught circuit, stated, that with respect to the word Ribbonism he did not well understand what it meant†; that he had heard it spoken of, and thinks it analogous to what is called the Rockite, Terry Alt and old Whiteboy systems; he recollected no outrage upon his circuit against persons on account of differences in religion, nor against the Government and institutions of the country; and as soon as the Government had been made cognisant of any crime, they took immediate steps to bring the delinquent to justice, for which every requisite pecuniary means were placed at his disposal.

As we consider the opinion of those who are appointed and paid for prosecuting offenders in Ireland to be most worthy of consideration, we confine ourselves to the preceding evidence of the crown-solicitors upon this *verata questio*. Their evidence, which is, we think, quite conclusive in itself, is fully corroborated by nearly the entire weight of the testimony given by other witnesses. The disorders we have noticed are but the remains of a system that existed from a very early period amongst the very lowest of the peasantry, of combining against the laws which they considered hostile to them, and from which the most grievous

* Questions 9033 to 9056. † Questions 8429, 8404-6, 8387.

consequences have often resulted. It is to be hoped that it will totally disappear with the causes in which it originated, and we believe it now lingers only amongst a few of the worst and the most irreclaimable members of society. The want of confidence in the administration of justice has been gradually diminishing. The law has assumed to the peasantry the new aspect of consideration and protection instead of pains and penalties, and the consequences will assuredly be, that it will be regarded with affection, and the tranquillity of the country will be fully established.

Burke, in his letter to Sir Hercules Langrishe, remarks on the disposition of the monopolists of his day to attribute popular excesses to other than the real causes. He observes,—

"In a country of miserable police, passing from the extremes of laxity to the extremes of rigour, among a neglected and therefore a disorderly populace,—if any disturbance or sedition, from any grievance real or imaginary, happened to arise, it was presently perverted from its true nature, often criminal enough in itself to draw upon it a severe appropriate punishment; it was metamorphosed into a conspiracy against the state, and prosecuted as such. Amongst the Catholics, as being by far the most numerous and the most wretched, all sorts of offenders against the laws must commonly be found. The punishment of low people, for the offences usual amongst low people, would warrant no inference against any descriptions of religion or of politics. Men of consideration from their age, their profession, or their character; men of proprietary landed estates, substantial renters, opulent merchants, physicians and titular bishops, could not easily be suspected of riot in open day, or of nocturnal assemblies for the purpose of pulling down hedges, making breaches in park walls, firing barns, maiming cattle, and outrages of a similar nature which characterize the disorders of an oppressed or a licentious populace . . . I conceive I have lately seen some indication of a disposition perfectly similar to the old one; that is, a disposition to carry the imputation of crimes from persons to descriptions, and wholly to alter the character and quality of the offences themselves."

There can be no greater proof of improvement and the increase of security, which is generally felt in Ireland, than that the value of land has of late years very much increased. A great portion of the landed property is in Chancery, of which Sir M. O'Loughlin, as Master of the Rolls, has the general superintendence. He stated to the Committee that almost all the sales that had taken place in his court since the month of November 1839, had been opened by over-

biddings. A property which had been held under a lease for lives renewable for ever, was sold in 1785 for 202*l.* 4*s.* 8*d.*; in 1819 it was mortgaged for 1,896*l.* 12*s.* It is held by cottier tenants; has been a long time in the Court of Chancery; and is not likely to improve in value. The profit rent, payable by the tenants, is only 155*l.* 2*s.* 6*d.*; and the property was sold on the 17th of April, 1839, for 4,100*l.* It is situate in the county Mayo. An estate had been sold in the beginning of 1839 for 11,500*l.* The sale was opened twice, and on the re-sale the bidding reached 16,750*l.* It is situate in the county of Limerick.

Mr. Simpson, a valuator of land, who has had very extensive experience in the sale of estates since 1834, stated, that investments in Irish lands are considered secure and eligible. He had valued and sold estates to a very large amount in nineteen different counties in this country, and he found he could sell Irish estates quite as well.

The report of the Railway Commissioners shows a considerable increase in the commercial transactions of Ireland—in the exports of agricultural produce—and the imports of cotton and woollen manufactures, and exciseable articles. The principal land-agents and solicitors concerned in the sale of estates informed the Commissioners that a progressive advance had taken place in the value of land for several years past. Much of this improvement is doubtless to be attributed to the facilities afforded to trade by steam navigation,—but a great part is due to the Legislature and the Government.

We quote the description given by Sir Francis Burdett of what Ireland was in 1822 when Lord Wellesley called for a renewal of the Insurrection Act:—

"It was impossible to look at the condition of that unfortunate island, he observed, without the deepest commiseration: a kind and industrious and a generous people had been driven to despair; and surely it was fit on an occasion like the present that something else should be held out to them than the sword,—their sufferings were grievous in the extreme; in some cases it had been seen that they were so severe that the inhabitants preferred death in any shape to living under such complicated miseries. Perhaps the noble Marquess opposite would again employ his old assertion about 'a transition from war to peace'; but was not much of what was now endured in Ireland to be attributed to a transition from a state of independ-

cure to what was miscalled a state of union? the gentlemen of Ireland and the people at large had been cajoled and hoaxed into a belief that the union was to be complete and beneficial; yet it had turned out a mere parchment union, by which Ireland had been so reduced to the last extremity of distress as to cause a danger even of permanent separation. Ministers had not made a single attempt to carry into effect any of the idle promises by which the Irish nation had been duped into a consent to its own destruction and debasement.

The Whig Ministry adopted Lord Bacon's cure for turbulence, and exerted themselves to remove the causes of discontent. In accordance with the maxim "*servorum non est respublica*," they felt it was necessary to permit men to be free citizens before they could hope to make them good subjects; they therefore commenced by giving effect to the Emancipation Act, and declared that all men should be equal before the law. The ascendancy party thereupon ceased to enjoy their monopoly of power,—the triumphal processions of the Orangemen were at an end,—the sheriffs were deprived of their unconstitutional power over the panel,—and the people secured an impartial jury. A national system of education was adopted. The grand-jury laws were amended, and declarations in most cases substituted for oaths. A Board, with a permanent (but very insufficient) fund to be advanced for public works, was established in Dublin. Savings'-banks and Loan societies were extended and placed on a secure foundation. The improvement of the Shannon was commenced—church-rates were abolished—the Church was reformed—and collisions in respect of tithe between the clergy and people were terminated. The Petty Sessions Act and the law for the recovery of small debts by Civil Bill were amended. The protection of a Poor-law was afforded to the peasantry, and several attempts were made to establish a good system of municipal government, which we trust is now on the eve of being accomplished. These are some of the means by which the Ministry endeavoured to merge all differences of religion and race in Ireland in the full exercise of equal rights and privileges, political and municipal, and to give peace and prosperity to the country.

The improvements which Ireland owes to Lord Normanby's government are of the most important kind. The police force had formerly been under four heads. The bill brought

into parliament by Lord Morpeth in 1835. placed it under one head, in immediate communication with the government; and thus a unity of action, and an increased efficiency and vigour were obtained, while a system of discipline was adopted which is likely to make it unequalled by any similar force of any other country. To this end Lord Normanby divested himself of the patronage invariably exercised by previous lords-lieutenant. The Dublin police is now one of the very best corps; and it was formerly the worst that could be seen. Faction fights, which were attended with serious consequences to the public peace, have been completely suppressed. A number of stipendiary magistrates have been appointed under the Constabulary Act, adequate to the wants of the several counties;—but no one has been appointed to a county with which he was connected, nor unless he had acted as a magistrate, or been called to the bar. A very useful alteration has also been made in the prosecution of offences at the assizes and at quarter-sessions since 1835. Formerly it was not the practice to prosecute in these courts on the part of the Crown, unless in very special cases. Now a large class of offences, chiefly assaults, arising out of riots at fairs and other places, which were previously left to the parties themselves, and often compromised or abandoned, are brought to justice by the crown-solicitors. Some valuable alterations have been introduced into the Petty Sessions Act. A return is now made quarterly, showing the number of petty sessions held, the names of magistrates attending, the amount of fines and penalties levied and how disposed of, and the number of informations received and returned to the clerk of the crown. By this means the government see what is going on in every part of the kingdom. The mode of levying fines imposed on jurors and witnesses, and the estreating of recognisances of persons bound to attend to prosecute, and who failed to do so, have been materially improved. When a judge imposed a fine formerly, it could only be levied by a slow process issuing from the Court of Chancery; and in the mean time the ends of justice were defeated. Now the warrant is handed to the constable instead of the sheriff, who brings up a defaulter, and produces him in court without delay. Under the *custodiam* process, several judgment credit-

ors had a power of distraining for the amount of their debts, without reference to what had been previously paid by the tenant. This vexatious proceeding, which frequently led to breaches of the peace, was altered in 1835. In such cases a receiver is now appointed by the court, who collects the amount due by the tenant to the landlord, and pays it among the creditors. In the Civil Bill Courts a great improvement has been effected, to prevent collisions between process-servers and parties,—a constantly-recurring source of crime. In case of opposition, the assistant-barrister can now substitute service of process, by directing that posting the notice on some conspicuous place shall be deemed good service.

The clemency of Lord Normanby,—which gave rise to the motion in the House of Lords for fettering the prerogative of the Crown, by laying down certain abstract rules for its guidance in the exercise of mercy, wisely placed at its discretion by the constitution,—has had a most useful effect in Ireland. The people had derived many of their impressions of the constitution from the Insurrection and Coercion Acts. The effect of these severe measures was to bestow a degree of chivalry on crime; and a resistance to the execution of the laws was generally considered in the light of a resistance to tyranny, which the people screened and secretly sanctioned, if they did not loudly applaud. It was reserved for Lord Normanby to show to them the mercy as well as the majesty of justice; and they now begin to respect what they had formerly detested and opposed.

Much has assuredly been done, but much yet remains to be accomplished. We have already entered very fully into the consideration of the several legislative measures that we believe to be necessary to stimulate the action of industry in Ireland, which must precede, and invite English capital. We have combated the fallacy, that national works should be altogether abandoned until the period may arrive when private projectors consider it their interest to undertake them, and have endeavoured to show, that in all civilized states the formation of leading lines of communication has been an especial object of the attention of government. In our number for July, 1838, we referred to the calculations of some eminent French engineers, which abundantly prove that public works

that may not for a long period become productive to a private speculator, are often an immediate source of wealth to the state, by employing labour, increasing production, and consequently augmenting revenue.

The report of the Railway Commissioners of Ireland which afterwards appeared, fully coincided with our views, directed the attention of Parliament to the essential difference between railways and other public works, and predicted that it would be found necessary to restrict the powers and privileges which had been conceded to private companies by legislative regulations, enforced by effective superintendence and control. The second report of the Select Committee of the House of Commons appointed to inquire into the state of communication by railways has appeared since the close of the last session. The Committee have particularly remarked the difficulties that arise from an extended inter-communication throughout the country, solely maintained by companies acting for their private interests, unchecked by competition and uncontrolled by authority.

The danger that might result to the interests of the public by giving to a private company a monopoly of the entire traffic of a great line of communication, was foreseen by Parliament, and there was an attempt made to obviate this evil by requiring a provision to be introduced into nearly all the Acts by which private companies were incorporated, for enabling other persons to place and run engines and carriages on the roads, upon payment of certain tolls to the companies. This provision, however, has proved quite useless. There are other arrangements not provided for by the Acts, which are as necessary as the payment of tolls, to open railroads to public competition. It is essential to supply the engine with water, to take up or set down passengers, and several other matters, upon which companies are left to make their own terms; and as it is not their interest to admit parties to compete with themselves, it is not likely that they would be inclined to afford to them the requisite facilities. Besides, it is essential, in order to secure the safety of the public, that there should be one system of management, under one superintending authority, which should have the power of making and enforcing all necessary regulations; and this

renders the monopoly of the company of the entire mode of communication almost unavoidable.

The Committee show how the company and the public may have conflicting interests.—as the main object of the former must be to obtain a good return for the capital expended, and of the latter, that the intercourse should be regularly maintained with the greatest safety, speed and economy. This opposition of interests is clearly proved to exist, by the evidence of Mr. Gott. He states that when the Leeds and Selby Railway Company raised the fares and diminished the number of passengers by 12,000, the income of the company was improved by 1300%. Mr. Ritson's evidence also shows that a larger revenue was produced to the Manchester, Bolton and Bury Railway Company by the conveyance of a fewer number of passengers at increased fares; and a like result appears from the accounts supplied by the Dundee and Newtyle Railway Company. It is therefore apparent, that the duty of the directors to maintain the fares at the point which will prove most beneficial to the pecuniary interests of the company, may operate injuriously upon the public, and especially upon the poorest class of passengers. On this subject Mr. Bury observes, "The railways have destroyed or they will destroy all other means of communication whatever; the stage-waggons and conveyances of that description, which have afforded those persons accommodation, will in the end be taken off, and the companies must provide in the same way a kind of conveyance suitable to the means of those passengers." Besides the pecuniary interests of the public concerned in this question, their safety is an essential part of the consideration. We believe that the greatest number of accidents that have occurred on railways have arisen from the insecurity of the fences. Every one who has travelled on them must have remarked what inadequate provision there is made for guarding against the trespass of cattle on the lines. The proprietors and occupiers of the adjoining lands, whose property is at stake, have power to oblige a company to make good its fences; but the public, whose lives depend on the exact fulfilment of this duty, have no means to enforce it. Crossing a public way, and sometimes another railway on a level, from the want of sufficient

attention to the switches or points by which two lines of railways are connected, is constantly attended with risk, and occasionally with accidents; while the power of making by-laws for regulating the conduct of passengers, possessed by the company, sometimes without the sanction of any legal authority, may prove highly injurious to the liberty of the subject. The Committee therefore recommend the appointment of a Board to protect the public against the abuse of the extensive powers vested in railway companies by their respective Acts, and to control all the arrangements by which the general interests of the community may be affected. The important evidence given before this Committee deserves the most serious attention of the Legislature during the ensuing session, when the general introduction into Ireland of this new means of communication will be under their consideration. It fully confirms our impression, that a well-combined and judicious system of railroads, which will ensure to the public all the advantages that can be derived from this mode of conveyance at the cheapest possible rate, can only be effected by government construction.

In all other undertakings into which free competition can enter, society enjoys from the legitimate exertions of private interests all the advantages derivable from them; but in a line of railway, the rivalry of competing parties would be prejudicial to the safety of the public, and a monopoly is inevitable. Some companies have already engrossed the entire of the carrying trade. The Grand Junction Company have retained to themselves the conveyance of all Birmingham and Lancashire goods. The Liverpool and Manchester Company have always been the exclusive carriers on their line. The Newcastle and Carlisle and the Leeds and Selby Companies are also the sole carriers on their line. The Bolton and Leigh Railway, communicating with the Liverpool and Manchester, have let the carrying trade to *one single carrier*! What powerful influence may not a monopoly so gigantic exercise in a great commercial country like this!

We have before stated the points in which we differ from the Irish Railway Commissioners: we think they underrated the profits likely to be derived from the investment of capital in these undertakings, and condemn their exclusion of the

west of Ireland from a share in their advantages. On the 1st of March, last session, a resolution proposed by Lord Morpeth was agreed to by the House of Commons, that Exchequer Bills to an amount not exceeding 2,500,000*l.* should be made out by direction of the Treasury, to be advanced for the construction of a railway or railways in Ireland, to be secured on the profits of the works, and the deficiency, if any, provided by an assessment on the districts through which such railway or railways might be carried. From the difficulty of reconciling private interests with any public measure, the Government scheme was abandoned last session. We trust that some means will be adopted during the next for opening to the country these great channels of intercourse, without injury to any existing rights. A Drainage Act which will remove the impediments that now exist to the cultivation of the waste lands, is another measure of essential importance to a country which requires nothing but the fostering care of a paternal government to become eminently prosperous. While the disturbers of the public peace are punished, active and honest industry should be fostered and encouraged. The exertions of the Government to work out the prosperity of Ireland, and eradicate its evils, by holding the balance equal between parties, and affording to all classes the full protection of the laws, have secured to them the co-operation of those who love justice, and are friendly to civil and religious liberty. The manners of a people follow the genius of their rulers: already the baneful habits which servitude introduced—the blind dissensions to which custom gave the force of instinct—are disappearing; and although some features of a struggle, prolonged to an extent of which history affords no parallel, must still be expected to remain, yet the country exhibits a state of perfect tranquillity,—the people are obedient to the laws in which they have now an interest, and begin to feel the advantages of that constitution in which they have now a share.

ARTICLE VIII.

Della Economia Politica del Medio Evo, Libri III. che trattano della sua condizione politica morale economica del Cav. LUIGI CIBRARIO. 8° Torino: 1839.

WHEN Muratori was searching for historical documents to be inserted in his collection of writers on Italy during the middle ages (*Rerum Italicarum Scriptores*), he had the mortification of meeting with scarcely any success in Piedmont. It was in vain, as he says in his preface to the *Chronicon Astense* (*R. I. S.*, tom. xi.), that he applied to every person likely to render him any assistance. The government, as well as private individuals, (with a very few honourable exceptions), turned a deaf ear to his entreaties, as if the history of Italy could be considered of slight importance, in a national point of view, to any of its provinces. Far different is the feeling prevalent in Piedmont at the present time. The illustration of the history, not of Italy indeed, (it is the fate of that unhappy country that nothing *Italian* should ever be encouraged by any of the *mis-governments* that oppress her,) but of the states of the king of Sardinia, during the middle ages, occupies the attention of a large number of persons distinguished for birth as well as for talents and accomplishments, urged in their studies by no other motive but love of country (unfortunately taken in too municipal a sense, and which might be more properly called love of province), and eager to leave no part of this interesting subject in total obscurity, even when no hopes remain of throwing upon it so clear a light as would enable the world to appreciate the merits of the laborious, modest and patriotic scholars who dedicate their lives to such pursuits.

The government of Sardinia has been shamed into giving some pecuniary assistance to help the publication of the documents from which such facts are drawn as form the subject of works like M. Cibrario's. The treaties of the House of Savoy are published by order of the minister for foreign affairs, in 4to; records, seals and coins illustrating the history of Savoy and of the reigning family, have been printed by order of the king, in 4to and 8vo; and the *Monumenta*

Historiæ Patriæ or the *Historiæ Patriæ Monumenta*, (ear on dit l'un et l'autre, as the old grammarian said when dying, and as is proved by the work now mentioned, in one volume of which occurs one formula, and the other in the others,) are in course of publication, in folio, under the superintendence of a commission, of which M. Gazzera and our author are secretaries. Three volumes of this series are already before us, one of which, containing the history of the Maritime Alps, by Gioffredo, is edited by the Abbé Gazzera just mentioned, one of the keepers of the Royal Library at Turin, and one of the secretaries of the Royal Academy, distinguished alike for his various learning, kind-heartedness and unassuming manners. Conversant with the history of his own country as well as with that of foreign nations, capable of appreciating the merits and feeling the beauties of classical and modern literature, indefatigable in adding to the remains of that of the middle ages in Italy as well as in France, in prose or verse, the Abbé Gazzera seems to have no greater pleasure than that of assisting his numerous friends—and all who know him are such—in their pursuits, and enjoying in silence and unknown the glory which others reap from his generous help. His colleague is editor of several of the charters, as well as of the legislative enactments, published by the commission of which he is secretary, and they are new tokens of his talents and industry. The work which forms the subject of this article is but one of many which he has written, and which have deservedly earned for him a high name among the lovers of the literature, the history and the antiquities of Italy.

Having mentioned them, we cannot refrain from saying a few words *obiter* of the *Monumenta Historiæ Patriæ*. The Italians, possessing the very best model of a collection of this description, in the unrivalled one of Muratori's *Rerum Italicarum Scriptores*, ought to have considered it a sacrilege to depart from his plan, particularly as to the title. The Piedmontese ought to have been happy and proud to add to the store of information on Italian history, following the steps of the Italian who created that of the middle ages; for *they* are Italians, *velint nolint*,—or they are nothing in literature. Their publication ought to have been offered, and would have been gratefully received, as an appendix to Muratori. But

this was not considered enough: a distinct title was adopted, and the publication divided into three parts.—*Chartæ, Historiæ, Leges Municipales*; of each of which one volume has been published. It is difficult to see the reason why the second, fourth, fifth, sixth, &c. of the documents published in the last section should not have been placed in the first; which we mention only to show the futility of such a division, for which we cannot discover even a pretext. Whether it is to have an opportunity of *thrice* flattering the king, to whom each volume is dedicated, and who is addressed as OPTIMUS LEGUMLATOR, or whether the division is adopted because preferred by Pertz, in his *Monumenta Germaniæ*, we shall not stop to inquire; only wishing that the Piedmontese would bear in mind that they are Italians. But we cannot help remarking on the party-coloured dress of the notes, which even in the same volume (*Leges Municipales*) are Latin here and Italian there, although to Latin texts. The preface to this volume, by Count Sclopis, is in Latin, written with uncommon elegance and learning; but some of his notes to such of the statutes as he has edited are unworthy of him. For instance, (col. 46, note 2): “*Savorra*, “recte Latine diceret *suburram*, Italice *savorra*, Gallice *lest*, “*sabulum* scilicet *vilius et crassius quo naves onerari solent* “usque ad certam mensuram ut stabiliiores sint.” *Savorra* is just as good Italian as *Zavorra*: and who is the Italian that does not know its meaning? Hear Forcellini: “*Saburra* et “*sabura*, *savorra*; *sabulum* et quidquid in sentinam navis “certa mensura congeritur, ne instabilis sit et ventorum vi “evertatur.” Coals, blocks of marble or other minerals, will answer as well as the “*sabulum vilius crassius*” of M. Sclopis, and be sometimes more profitable.

M. Cibrario tells us (page 13) that his work is not a history, but an outline of the condition of society at different times, which must be more or less minutely drawn according to the historical materials which have been handed down to us from our forefathers. “From the very nature of this work,” continues the author, “no one will be warranted in finding fault “with me for not having recorded some particular events, or “omitted to notice this or that historical point.” He has therefore taken the words “political economy” in a different

sense from that which is generally attached to them, of "theory of the production and distribution of the wealth of nations," and has adapted them, as appears even from the second part of his title, to the more ample, and, etymologically speaking, more correct meaning, of the various laws, customs and manners by which society was ruled during the middle ages. The work of M. Cibrario would consequently seem to have the same object as Mr. Hallam's "View of the State of Europe during the Middle Ages," published for the first time about twenty-one years ago, with a preface which might be well prefixed by the modern Italian to his work, in order to acquaint the reader with its object. M. Cibrario, however, says, that the two works have nothing in common: to this we cannot assent, although we are ready to admit that they are very distinct performances.

Mr. Hallam, selecting from the narratives which he found in the printed historical records of the middle ages such as he deemed correct, and in which his eminently critical eye did not discover any ground for suspicion, and omitting what with great tact he deemed of minor importance, draws a picture of the political state of society throughout Europe, from Clovis to Charles VIII. of France. If he speaks of manners and customs he does so only incidentally, and to elucidate the higher branches of the subject which he has undertaken to illustrate. The object of his work is not to record facts, but to show what were the effects produced by the state of religion, constitution and laws, and how these effects reacted on the societies of the middle ages. M. Cibrario's work has but little in common with that of our countryman in this respect. Less eager to discover the why and wherefore, the Italian author has patiently studied old parchments and musty household account-books, and from new facts, often trifling and apparently uninteresting, he has drawn important consequences as to the political or economical state of the country, has added to the stock of our positive information on the subject, and has occasionally thrown considerable light on hitherto obscure points. Mr. Hallam, with a more comprehensive and philosophical, but practical mind, has succeeded in rendering his work highly instructive to those who do not look on history as on a novel. M. Cibrario has in-

dustriously collected many new useful materials for future historians, and has entered into details which the other did not consider worthy of attention. But whilst Mr. Hallam has taken a view of *all* Europe during the middle ages, M. Cibrario has limited himself to inquire into the state of Italy, or, properly speaking, of Piedmont and Lombardy, more particularly the former. He says little of Tuscany, still less of the Papal States, next to nothing of the Neapolitan and Sicilian kingdoms. The title of the work is therefore so far apt to mislead the reader, who does not know that what is stated to be a history of political economy during the middle ages, is limited to two provinces of one of the European states. It cannot, however, be denied, that the politico-economical vicissitudes of these two provinces, to the end of the fourteenth century, are pregnant with interest and highly instructive; it was there that the battles of the people were first fought after the fall of ancient states, and liberty for the mass, not for a caste, conquered. There also, unhappily, were first shown the baneful effects of unchecked licence, of cunning priestcraft and overbearing oligarchy.

The conquerors of Italy, at the fall of the western empire, had appointed governors, generally designated under the name of Counts, who to the executive often added the judicial power, over each town and its territory. But the Roman municipal government was not totally eradicated from Italy, although there is no doubt that at first the counts as well as the nobility belonged to the nation of the conquerors, and that the latter had possessed themselves of municipal power, to the exclusion of the generality of the inhabitants. There was, however, an eminently democratic element in the constitution of the cities, and that was religion, which acknowledges no distinction of birth or fortune, and the bishops, being elected by the people, were the natural guardians of their electors. When Italy was invaded by the Saracens and Hungarians, the sovereigns were unable to protect the country, but the people defended themselves as well as they could—fighting literally *pro aris et focis*. In those conflicts the bishops were the natural leaders of their flocks, and took particular care in strengthening, by every means, their cities, hitherto undefended, by fortifications. Hence we find that Ansperto, archbishop

of Milan, who died in 882, surrounded Milan with walls, and that the same was the case with respect to Modena, under its bishop Leudonio, who died in 898*. Although this was repeatedly done without any other warrant than the most lawful of all—self-defence, leave was often granted to bishops, monasteries and private individuals to fortify their places, and hence the abundance of castles and strongholds which covered the Alps, the Apennines and the rest of Italy.

To defend the places so fortified it was necessary to arm the common people, who, behind an entrenchment, were as good and better than the *milites* and *valvassores*, the nobility of the time, and who fought desperately against an enemy from whom they knew they could expect no quarter. The people having once learnt how to use arms, and to rely on their own means to defend themselves from foreign foes, were not likely to submit to the extortion and plundering pretensions of the grandees, mostly of a foreign race, to whom they owed nothing, but who on the contrary were indebted to the inhabitants of the cities at large for the common safety.

The sovereigns of Italy were obliged to proceed with great deference towards the bishops, who not only possessed a great influence on the people, but, having a voice in the Diets, shared in the election of the sovereign, and voted the laws. It was therefore difficult to deprive them of the power and dignity of Counts, which they had usurped in many places, when they were, *de facto*, the only recognised authority, in spiritual as well as temporal matters; and on many accounts it was good policy in the sovereigns occasionally to confer on them that dignity. It was moreover thought a meritorious and pious act to increase the temporal power of the episcopacy†.

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- * Dum premeret patriam rabies miserabilis istam,
Leudonius sancta Motinensi prasul in aula
Hic tumulum portis et erectis aggere vallis
Firmavit, positæ circum laticinctis armis,
Non contra dominos erectus corda cecenos,
Sed cives proprios cupiens defendere terros."

Muratori, Diss. i. col. 22.

† "Insuper tribus exponit apinus ob jurisdictionem ac dominationem controversam inter Episcopos et civitates prelatos sive comites, rem tutiorem commodioremque sibi arbitratum contulerit pastoribus ipso quoque temporale populorum regnum ab Imperatoribus aut regibus sibi conquirere. Neque multis difficile fuit voto potiri.

After the death of Otho I. or the Great, Italy was for a long while without any general government, left under that species of municipal self-government that each city succeeded in securing to itself. This weak and fluctuating government relied on the division of interest of the factions, not on its own vigour. The common people in the meantime gained strength, and towards the end of the eleventh century, Landulph, archbishop of Milan, of the noble family of Carcano, having behaved haughtily and insolently, the citizens gave battle to him and to the whole of the aristocracy by whom he was supported, and drove them from the city. The Cremonese likewise waged a successful war against their bishop.

The dissensions between the emperor Henry IV. and pope Gregory VII. greatly tended to increase the independence of the cities of Upper Italy. The inhabitants, as well as their bishops, being generally in favour of the emperor, could dictate to him their conditions; and those who were for the Pope and the countess Matilda were not much inclined to respect the rights of the chief of the state. Whenever any follower of this party changed side in that great struggle, some new concessions were either forced from the Emperor, or *graciously* granted by him to gain supporters to his cause, and weaken his enemy's. The contest did not merely extend to the spiritual and temporal powers, but caused such schism, even in the former only, that Rome had two popes (one of which was afterwards declared an antipope by the winning party), and Milan three archbishops at the same time—Godfrey, elected by the Emperor; Otto, by the Pope; and Theobald, by the people. The prerogatives of that sovereign, who was twice beaten by the troops of one of the great vassals of

Non raro Germanicis regibus opus erat episcoporum presidium, sive ut reges eligerentur, sive ut electi regnum adquisitum eorum ope deinde lucrentur. Opportunitatem adeo secundam amplificandæ potentie suæ non ainebant sacri antistites sibi emanibus elabi."—Antiq. Ital. Med. Ævi, Diss. viii. tom. i. col. 416. Muratori quotes many instances of bishops having obtained the county (that is the government of the town and its territory) from the sovereign; and publishes, among other documents, a charter from Rodolph, king of Burgundy, giving the county of the Tarantaise to the archbishop Amazo. The charter is dated 996, indict. x. in the third year of king Rodolph's reign, on which Muratori observes the Indiction should be xl.; but he is mistaken. The same charter, published in the *Monumenta Hist. Patræ*, (Chart. tom. i. col. 301,) copied from Besson, is not so complete as in Muratori, and no observation is made either as to his having edited it, or as to the supposed erroneous indiction.

the crown, the countess Matilda, became *res nullius*, and either fell into desuetude or were usurped by the strongest among the nobility, the commons or the clergy.

Henry V. was refused admittance into Milan by the citizens; and he destroyed the little city of Novara opposed to him; which shows how far the spirit of resistance had spread. Several years before, Pavia had refused to receive within its walls the emperor Conrad, who did not find himself strong enough to besiege it; whilst, soon after, he was ignominiously driven from before Milan, which had rebelled under its archbishop's direction*. By this time several cities had obtained, either by custom, charter or main force, not only that the Emperor's troops should not be allowed to enter their gates, but that the imperial palaces, which were one of the *regalia* due from the cities to the Emperor, should be built out of the walls, so that the sovereign could not enter the stronghold of his faithful subjects†. During the reign of Henry V. however, two facts are recorded as having happened in the year 1112, which show not only that the Emperor's power at Milan was little thought of, but that some of the cities of Lombardy had in fact entirely thrown off their allegiance. The archbishop of Milan, Grossolano, who had gone to Palestine as a crusader, was deposed by the people, and Giordano chosen in his stead. Azzo, bishop of Acqui, knowing the importance of the former to the imperial party, and unable to assist him in a direct, open and lawful manner, not only refused to assist at the consecration of Giordano, but had recourse to the vile stratagem of getting up a party among the people for the old archbishop; thus supporting the prerogative of the crown by the folly and wickedness of faction‡. Landulph, who lived at the time, says, that in the same year,

* So early as 1039, according to Sigebertus Gemblacensis, "omnes Longobardi congreverant ut non paterentur quolibet dominum, qui aliud quam ipsi vellem contra se ageret."

† It is well known that no English sovereign, or his troops, can enter the City without the lord mayor's knowledge and consent.

‡ "Licet ab ipsis [Mediolanensibus] multum rogatus iniquitatem consecrationis interesse, nec assensum præbere volui, immo dedi operam erigendi magnam partem populi contra populum aut occasione alterius Archiepiscopi [i. e. Grossolani], quem pars illorum intendit deponere, viri scilicet literatissimi et ingenio astutissimi et eloquentissimi, Curia vestra [Imperatoris scilicet] valde necessarij, cuius partem propter honorem vestrum tantum auxi, quod mediæ populi contra mediæ populi contendit."—*Apud Muratori, Ann. ad an. 1113.*

the citizens of Milan and Pavia concluded an offensive and defensive alliance against all sorts of people; which, the historian says, appeared to some persons against the imperial and papal authority*.

During the reign of Conrad III., the whole of Italy emancipated itself *de facto* from the king's government, and the most complete anarchy prevailed, not in the municipal government of each city, but in the general government of the country. The king's supremacy was theoretically admitted by each of them; and Genoa, for instance, as well as Placentia, humbly sued and obtained charters granting them power to coin money. But in the same year that they thus acknowledged the king's prerogative, the Genoese seized upon Ventimiglia by main force; Lucca made war on Pisa; Padua on Verona; Milan on Como; Modena on Bologna; Rome on Tivoli; Venice on Ravenna and Pisa; Vicenza took the side of Verona; Trevigi that of Padua; Siena supported Lucca; Florence, Pisa. At last, on king Conrad's coming to Italy, he was robbed on the road by a marquis Obizzo (either a Malaspina or Este), and was obliged to have recourse to Placentia to obtain redress. The people of that city took *their* king under their *protection*, and forced the noble robber to return every farthing of the plunder.

Such was the state of Italy when Frederic Barbarossa was called to the imperial throne. Circumstances had given him more power than to the preceding emperors, he being the representative of the Ghibelline and nearly connected with Guelph factions†. He possessed a determined character, and firmly resolved to stand by his prerogative. It was not long before

* "Papientes et Mediolanenses statuerunt et iuraverunt sibi federa, que nimium subdanti videntur Imperatoris maiestati et apostolicę auctoritati contraria, cum isti cives iurarent sibi servare se et sua contra quemlibet mortalem hominem natum vel nasciturum."—*Landolph. de S. Paulo, Hist. Mediol.* c. 21. R. I. S. tom. v.

† "Dux in Romano orbe apud Gallie Germanieque fines famosa familia hactenus foret: una Henricorum de Gueibelinga, alia Guelphorum de Alsdorffo, altera Imperatores, altera magnos duces producere solita. . . . Fredericus Dux pater huius [Imperatoris] qui de regum familia descenderat, de altera, Henrici scilicet [Guelphonis Estensis] Noricorum ducis filiam in uxorem acceperat, ex eaque Fredericum qui in presentiarum est et regnat, generaret. Principis ergo non solum industriam ac virtutem jam sæpe dicti iuvenis, sed etiam hoc, quod utriusque sanguinis consors, tanquam angularis lapis, utrorumque horum parietum dissidentium unire posset, considerantes, caput regni cum constituit adinfraverunt."—*Otto Frising. De Gestis Frederici I. Imper. II. 2. R. I. S., tom. vi., col. 700.*

he went to Italy at the head of a large army, to bring to reason the Milanese, who had been solemnly tried as rebels, and condemned to the ban of the empire, after they had been heard in their defence*. A long siege ended in a capitulation, by which it was agreed that the Milanese should surrender all the *regalia* to the Emperor; but it was likewise especially agreed that the citizens should continue to elect their consuls, to be confirmed by the Emperor, who, in order to be able first, to restrain, and no doubt, afterwards, oppress, the Italians, had instituted certain magistrates, called *Potestates*, or *Podestà*, who were to be appointed by him. A solemn diet was then held at Roncalia, where it was decided by the great expounders of the laws at the University of Bologna, assisted by twenty-eight lawyers, chosen by the Lombard cities, that all the regalia belonged to the sovereign—a decision often supposed savouring of partiality and adulation, but strictly correct in law and in the abstract, which was the only point of view under which it had been considered. The subject of dispute

* The historian just quoted, who accompanied the Emperor, his nephew, to Italy, gives the following striking account of the state of Lombardy on the descent of Frederic into Italy, of the public spirit then prevailing, of the free and democratic principles of their government, and of the effects which were produced by these various causes:—"Longobardi (he says) Latini sermone elegantiam morumque refinem urbanitatem. In civitatum quoque dispositione, ac Reip. conservatione antiquorum adhuc Romanorum imitantur solertiam. Denique libertatem tantopere affectant, ut potestatis in obedientiam fugiendo, consulum potius quam imperantium regantur arbitrio. Cumque tres inter eos ordines, id est capitaneorum, valvasorum et plebis esse noveretur, ad reprimendam superbiam, non de uno sed de stegulis prædicti consules eliguntur, neve ad dominandi libidinem prorumpant, singulis pene annis variantur. Ex quo fit ut tota illa terra intra civitates forme diversa, singulis ad commendandam eorum diocesanos compulerint, vixque aliquis nobilis vel vir magnus tam magno arbitrio inveniri queat, qui civitatis sue non sequatur imperium. Consueverunt autem singuli singula territoria ex hac committendi potestate Comitatus suos appellare. Ut etiam ad comprimendos vitiosos misteria non eueant, inferioris conditionis iuvenes, vel quodlibet contemptibulum etiam mechanicarum artium opifices, quos ceteræ gentes ab honestioribus et liberalioribus studiis tanquam pestem propellunt, ad militiæ circulum, vel dignitatum gradus assumere non dedignantur. Ex quo factum est, ut ceteris orbis civitatibus divitiis et potentia præeminent. Juvantur ad hoc non solum (ut dictum est) morum sanorum industria, sed et principum in transalpinis manere usum torum assentia. In hoc tamen antiquæ nobilitatis immemores, barbaricæ fidei retinent vestigia, quod cum legibus se vivere glorientur, legibus non obsequuntur. Nam Principem, cui voluntarium exhibere debent subjectionis reverentiam, vix aut nunquam reverenter suspiciunt, vel ea, quæ secundum legum integritatem faciunt, obdienter excipiunt, nisi ejus multi milites astipulatione coacti sentiant auctoritatem." *Il. civ.* col. 708.

† The word is used by Latin writers to signify a magistrate, more particularly a provincial one. Fomellui quotes Suetonius:—"Jurisdictionem potestatis per provincias demandare." The word means in this sense in documents of the eleventh century. We have thus transferred the name of *justice* to the *judge*.

between the sovereign and the cities was, whether either part or the whole of the *regalia* had or had not been either tacitly or expressly surrendered by the predecessors of Frederic to the cities to whom the self-government, for which they contended, had been granted, and of which they were possessed by right. The question submitted to the learned in the law was one of principle; the application of that principle was not then under discussion. Shortly afterwards Frederic endeavoured to break the capitulation entered into with the Milanese, by claiming the right of appointing a *podestà* of his own, and thus depriving them of their own magistrates, the consuls. This led to another rupture which ended in the taking and total destruction of Milan, by order of Frederic. But as this monarch was evidently aiming at the despotic government of Italy, the inhabitants of the upper parts of the Peninsula, moved by the common danger, laid aside their private quarrels; and, after having rebuilt Milan, and reinstated the inhabitants in their city, a league was formed, which forced from Frederic the great charter of the Italian liberties, known under the name of Treaty of the Peace of Constance. By it the Italians obtained all that they had contended for, and more than was perhaps compatible with a monarchical government, although not more than was necessary to secure themselves from the tyranny of a foreign sovereign, who had a party in the country itself, and who could always pour a large foreign army into Italy to force the people to submission, and to rob them of their just rights and liberties.

Had the treaty of Constance taken place between a national sovereign and the commons, there is little doubt that it would have proved a lasting foundation of nationality and liberty for that country, and it is impossible to foresee to what a point of prosperity such a country might have risen. But when the fear of being overcome by the emperors ceased, the Italian cities ceased also to have a common bond of union. Each of them being left to itself, the others were not considered as members of one family constituting a whole, but as separate and independent states; hence jealousy, ambition, pride, avarice and envy inflamed each of them against its neighbours. The more powerful endeavoured to add to their territories the

smaller ones ; these made alliances for the same purpose, and to defend themselves from the fate which they prepared for others. The Ghibelline and Guelph factions added to the ill-will, not only between city and city, but between the inhabitants of the same place ; the emperors, as well as the popes, espousing the two opposite sides of the quarrel, rendered it everlasting and more fierce ; the noble and powerful families who had been forced to inhabit the cities in whose territories their castles and property were situated, acquired a decided influence over the petty democratic governments whom they affected to patronize. As imperial vicars sometimes, sometimes by open force, and supported either by the empire or the church, they contrived, either by treachery or by violence, to become masters of their cities or republics. Unable to sustain their pretences manfully, unrestrained by public opinion, they had recourse to any means which they thought might secure their ends :

" Che le terre d'Italia tutte piene
Son di tiranni ed un Marcel diventa
Ogni villan che parteggiando viene."

Incapable of subduing Italy, and unwilling to lose its share of it, the Court of Rome opened the gates of the Peninsula to another party of foreigners to overcome the Ghibellines. That Court has been the curse of Italy from the first, and the Italians to this day have had to pay the penalty of its ambition, and of the bad passions that it has excited in their country, and which it has taken care to perpetuate*.

It is the history of the political economy of this nation in its glory, and when declining to its fall, that M. Cibrario has

* Sir Raul (Muratori, R.I.S. tom. vi. col. 1103) affirms that the Pope broke his word to the Lombards before the beginning of the negotiations at Venice, and during their progress, previous to the peace of Constance. A manuscript unedited chronicle of the time confirms the statement: "Eodem anno (1176) Imperator direxit nuncios suos ad Alexandrum Papam, et clam pactus cum eo, statuerunt colloquium apud Venetiam publice, simulantes velle componere pacem inter Imperatorem et Lombardos.....Postremo ix. kal. Aug. 1177, Alexander Papa recepit Fredericum in christianissimum Imperatorem. . . . Et inter Lombardos et eorum Societatem et Imperatorem a kal. prox. ad vi. annos treguis sacramento ab utroque parte prestito firmaverunt, deserendo dom. Papa fidem quam Lombardis promiserat. Nimi ex quo Veneciæ fuit litteras Mediolanensibus direxit pollicendo quod prout dimittet se serari, quam pacem absque eis cum Imp. Frederico faceret. At tunc Lombardos deseruit." As we have none but historians of the court of Rome on the side adverse to the Emperor, Sir Raul's and this writer's evidences are highly important ; the Romanists suppress the fact.

undertaken to write. He divides his work into three books. In the first he treats of the political state of Italy during the middle ages. Almost at the commencement of this book we meet with a statement which we must notice, as relating to too important a point to be allowed to be received as correct. M. Cibrario states that Charlemagne received from the Pope something like an investiture of the empire*. This is, to say the least of it, a very hazardous expression,—however qualified. The outrageous pretensions of the Court of Rome to the paramount sovereignty of the empire ought to be scouted unequivocally as utterly without foundation, although so impudently advanced by that Court,—always ready, however, to explain away any expressions or claims which she finds effectually resisted. Radevicus, continuator of Otto of Fresingen, relates at length, and with great liveliness, the sly attempt made by pope Adrian to make the empire pass for a *beneficium* held of the pope as suzerain: the answer of the Emperor, as well as the explanations of the Court of Rome, are highly amusing and instructive†.

* The words are: "Carlo magno rinnovando nella propria persona l'antico impero, e ricevendolo per costui d'investitura dal Papa, avea riconosciuto in esso un sommo grado di podestà anche temporale."—Page 10.

† "Præcipue universos accenderat quod in præmissis literis [the letters of the Pope to Frederic I., delivered to him by two legates in the presence of the grandees and great officers of the crown at a solemn audience granted by the Emperor] inter cetera dictum fuisse acceperant dignitatis et honoris plenitudinem sibi a Rom. Pontifice collatum, et insignie imperialis coronæ de manu eius Imperatorem suscepisse; nec ipsam panitere si majora beneficia de manu eius suscepisset, habita consideratione, quanta Ecclesiæ Romanæ per ipsam possent incrementa et commoda provenire. Atque ad horum verborum strictam expositionem ac præfatæ interpretationis fidem auditores induxerat, quod a nonnullis Romanorum temere affirmare noverant imperium Urbis et regnum italicum donatione pontificum reges nostros hactenus possidere, idque non solum dictis sed et scriptis atque picturis representare... His omnibus in unum collatis, cum strepitus et turba inter optimates regni de tam insolita legatione magis ac magis invalesceret, quasi gladium igni adderet, Atque ferunt unum de legatis: A quo ergo habet si a domino Papa non habet imperium? Oh hoc dictum eo processit ira undiq., ut unus eorum, videlicet Otto Palatinus Comes de Bajoria, ut dicebatur, prope exerto gladio cervici illius mortem intentaret." This is confirmed by Frederic himself in his answer to the Pope. "Certe ad vocem illam nefandam [beneficia] et omni veritate vacuum, non solum Imperialis Majestas debitam inligationem concepit, verum omnes principes qui aderant tanto furore et ira sunt repleti, quod sine dubio illos duos iniquos presbyteros mortis sententia damnassent nisi hæc nostra intercepisset præsentia." The Pope then wrote a circular to all the bishops, neither retracting nor explaining the offensive passages of his letter, but loudly complaining of the Emperor, and requesting them to recall him from his bad ways. The German bishops, however, were not to be trifled with; they returned a civil answer; but as to the words used by the Pope, they said, that "ea tamen propter sinistram ambiguitatis interpretationem, vel consensu aliquo approbare, nec audemus nec possumus, eo quod insolita et inaudita fuerunt usque ad

We regret also to be obliged to differ from M. Cibrario on another point of very great importance; that is, the approbation with which he mentions the abolition of the privileges, as he calls them, that is, of the municipal rights and immunities held by the commons, when the tyrants, who possessed themselves, no matter how, of the several independent cities of Italy, felt they were strong enough to do so*. M. Cibrario, like most continental writers, who have no practical knowledge of true liberty, and who consider government to consist only in centralization and the power of meddling with everything, forgets that robbing corporate bodies of their charters and immunities was in itself a despotic act, not only unwarranted, but in direct violation of solemn agreements; and, however good (supposing it good) the end that the sovereigns had in view, the means by which they endeavoured to obtain it were abominable. The immunities and charters illegally abolished were such as to deserve the praise of every lover of rational liberty, endowed with an upright mind and generous heart. Now, as M. Cibrario possesses both these in an eminent degree, he himself gives the most excellent account of the privileges of the commons, and bestows on

hæc tempora." The Emperor directed them to say that nothing would satisfy him but a full retraction of the obnoxious words. The Pope then sent two other legates and an explanatory letter, in which he said: "Lex enim hoc nomen, quod est *Beneficium*, apud quosdam in alia significatione, quam ex inpositione habet, annuntiat, tunc tamen in ea significatione accipiendum fuerat, quam nos ipsi posuimus et quam ex institutione sua noscitur retinere. Hoc enim nomen ex *bono et facto* est editum et dicitur beneficium apud nos, non feudum, sed bonum factum. Et tua quidem magnificentia liquido recognoscit quod nos ita bene et honorifice imperiali dignitatis insigne tui capiti imposuimus ut bonum factum valeat ab omnibus pasci. Unde quod quidam verbum hoc et illud, scilicet, *Contulimus tibi iugum imperialis coronæ*, a sensu suo visi sunt ad alium retorquere. Per hoc enim vocabulum *Contulimus* nil aliud intelleximus, nisi quod superius dictum est, *imposuimus.*"—*Rader. I. sing.* lib. i. ch. 10, 15, 16, and 22. It. L. S. tom. ix.

* "I principi ne' quali o per dedizione o per conquista si consolido la signoria de' comuni, conservarono generalmente ai medesimi la maggior parte de' loro privilegi, finche nel secolo xvi. spariti que' grandi vassalli che facevano ombra alla corona, intorrigli altri alla condizione di veri sudditi, introdotta, non senza gran travaglio, l'uniformita d'amministrazione nelle varie provincie e l'eguale ripartitione delle tasse e gli eserciti comunali, s'abolirono que' privilegi, i quali, oltre all'esser causa di frequente discordie e col sovrano e col altri comuni privilegiati, non avevano fatto altro che perpetuare una varietà di forme e d'interessi, ed impedire che si considerasse d'un unico mostro si fondessero in una sola macchina." Page 51. The government of Piedmont in 1814 abolished the privileges, as is seen to be true in 1814 on the pages set forth by M. Cibrario. The institution of standing armies, here mentioned among the means by which the commons' liberties were destroyed, was in itself an infraction of the rights of the people, as he observes (page 459), and the foundation of despotism. Can violence ever legitimate iniquity?

them the praises which they so well merited*. To these franchises he justly attributes the necessity of calling parliaments together, which, by degrees, ended in the establishment of what he calls "a brilliant fiction,—viz. a representative government." Every one has his taste; but we can scarcely think M. Cibrario fond of despotism, which is not a fiction—let alone a brilliant one,—after he has himself admitted that the various races of tyrants who abolished the immunities of the commons, were races of monsters stained with all sorts of vices†. And limiting ourselves to the economical point of view of the question—to the pounds, shillings and pence—we shall rely on our author for proof, that, whilst the finances of the free commons flourished, those of the despots were ruined‡. The secret

* "Il commercio fu il primo autore dell' indipendenza de' comuni del medio evo. Indiritti a favor del commercio furono i privilegi di cui si mostrarono più gelosi, e di cui, perduta la libertà, pur conservarono lungo tempo il godimento. Così, per esempio, era deflitta la gravezza che ciascuno dovea contribuire annualmente, nè potevasi riscuoter di più senza il loro consenso. Era definito quanto tempo ogni anno e fino a che distanza dalla patria doveano servire in guerra. Era stabilito che niuno potesse esser sostenuto in carcere quando fosse pronto a dar cauzione, e se n' erano eccettuati soltanto i misfatti capitali. Eransi per lo stesso motivo ordinate pene pecuniarie de' delitti anche gravi, e solo in mancanza di pagamento si cominciava la perdita d' un piè, d' una mano, d' un orecchio o d' un occhio: era detto che non potessero trarsi in giudizio fuori della propria terra: era in fine concessa ai mercatanti della terra privilegiata franchizza dalle gabelle o per tutto lo stato del Principe, o per una parte di quello."—Page 48. Excepting the barbarous principle of sanctioning mutilation as a punishment, will M. Cibrario show us one single enactment in the whole Piedmontese legislation worthy of being compared with those which he has, with his usual brevity and terseness, enumerated in the above extract? What was substituted for them when they were abolished?

† "Poche sono le terre di qualche riguardo che non sieno state, almeno a tempo, occupate da un tiranno che non rispetto avea ad insanguinarsi del sangue de' propri consorti, non che de' cittadini. . . Ma queste tirannie, nate nell' ingiustizia, inflatte di sangue cittadino, mantenute col terrore, erano colossi dal piè di creta. Non parlo de' Visconti, nè degli Scaligeri, nè di que' da Carrara, nè dei Gonzaga [why not add the Esters, the Medicis, and the Farneses?] la tirannia de' quali pel beneficio del tempo, che tutto sana, passò in legittimo principato: sebbene i termini di governo adoperati fossero ben di rado quelli che l' eterna giustizia ha segnato a legittimi principi, e sebbene non vi sia infamia tanto grande, nè sì spora azione, nè condotta sì inumana di cui quelle perfide razze non si siano contaminate."—Page 60. This is all very true and very good, and we want no better history of the origin and progress of legitimacy. It was by these legitimate princes, and their legitimate successors, that the corporations were robbed of their franchises; and the general character given to these legitimate sovereigns by M. Cibrario, stamps at once this, like all their other legitimate acts.

‡ "Che quanto fiorenti erano in generale le finanze de' comuni liberi, altrettanto erano bazar e scempi minori del bisogno quelle de' principi."—Page 153. The word *finanze*, in the sense in which it is here used, and in which it is generally reserved, was first introduced into Italy by Guicciardini, who took it from the French; although M. Cibrario is quite correct as to the etymon of the word from the old

of this was, that neither the taxes in the parts of the country not yet robbed of their immunities and privileges could be increased against law and custom without the people's consent, nor mad expenses incurred at a despot's will*.

We must also set the author right with respect to one at least of three statements which he makes, to prove that the commons, when they happened to take prisoner some great baron or prince, were inclined to abuse their victory, and act cruelly towards their captives, keeping them in a cage, without admitting them to ransom on any terms. King Enzo was, according to M. Cibrario, treated in this barbarous manner at Bologna†. Even if two or three instances of ruthless treatment of prisoners by the commons were to be met in history, it would scarcely be fair to draw hence an inference discreditable to a whole party, any more than it would be fair to judge of all the Ghibelline chiefs from Ezzelino. But in point of fact, king Enzo was not kept in a cage, nor otherwise barbarously treated. The commonalty of Bologna built expressly a palace for his dwelling, still in existence: at his death he was buried with all becoming honours, and historians particularly notice his having been, during the twenty-two years of his captivity, treated with the respect due to his station‡.

Italian and barbarous Latin. The words of Guicciardini are: "Guglielmo Brissone... era preposto dell' amministrazione dell' entrate regie che in Francia dicono sopra le Finanze."—*Istor.*, lib. i.

* "Base della condizione economica del medio evo era che i tributi non potevano crescerli fuor dei casi dalle leggi e dalle usanze preveduti, senza il consenso dei soggetti."—*Cibrario*, p. 448.

† "I comuni quando la sorte dell' armi dava in lor potere un principe od un gran barone, si mostravano spesso crudeli: e lo tenevano chiuso in una gabbia nelle loro prigioni senza volerlo rendere per niun patto. Re Enzo di Sardegna...ebbe...quel barbaro trattamento a Bologna...e morì in gabbia."—*Page 126*.

‡ "Re Enzo fu preso...e stette in prigione in un palazzo che gli fecero fare i Bolognesi nel quale esso morì. E ogni dì vi andavano i nobili di Bologna a spasso a darsi piacere con lui...Adi 15 di Marzo (1271) morì il Re Enzo...e fu imbalzamato, e vestito di guarnaccia e di cappa di scarlatto foderata di vajo, con un diadema d'oro e di argento e di pietre preziose in testa. E aveva una verga d'oro in mano, e due copertori foderati di vajo, uno di scarlatto e l'altro di samita. Fu sepolto nel luogo de' frati predicatori di S. Domenico onorificamente. Vi erano i tre quarti del popolo di Bologna de' più nobili ad accompagnarlo alla sepoltura. Fu fatta ogni cosa a spese del Comune di Bologna. Era stato il detto Re Enzo in onesta prigione anni venti [due] e mesi nove e mezzo."—*Cron. di Bol.* R. I. S. tom. xviii. col. 263 and 283. Ghirardacci gives at length an Italian translation of the threatening letter of Frederic II. to the Bolognese, commanding them to set his son at liberty, together with the firm answer of the government of that city, refusing to comply with his request. The original of that letter is to be found

The second book of M. Cibrario's work treats of the moral state of Italy during the middle ages. It is divided into seven chapters, relating to the religious opinions, religious orders, charitable institutions, customs, private life, festivities, literature, sciences and arts. This we consider a decidedly better book than the former. It is written with good taste, sound judgement, and great learning without pedantry. The style of M. Cibrario is remarkably terse, manly and thoroughly Italian, without any affectation; and in this part of his work there are passages that one reads over and over again with pleasure, not only on account of the sound views which they contain, but of the happy manner in which they are expressed. Take for instance the beginning of the sixth chapter:—

"*Delle feste.* Pel popolo anche le feste son pane; e il rallegrarne di tempo in tempo la dura vita con pubbliche gioie è ufficio di savio politico, il quale nulla dee più temere che uomini volgari ed artefici incedenti col viso ingrugnato e meditabondo a guisa d'altrettanti Soloni."—Page 241.

We wish sir Andrew Agnew to ponder well on these few words. The following observations on the corruption of literary taste deserve likewise to be transcribed:—

"Il decadimento delle lettere è sempre dovuto ad un errore di giudizio, non a difetto d'ingegno, poichè la natura ognora uguale a se stessa produce in ogni età uomini ingegnosi. Ma il giudizio, e più specialmente quella parte di giudizio che si chiama buon gusto, ed è lo squisito senso del vero bello, si corrompe per infinite cause, molte delle quali per triste fato degli umani avvolgimenti nascono appunto quando la civiltà ed il fiorimento delle lettere sono pervenuti al sommo dell'arco."—Page 275.

The conclusion of this second book is as follows:—

"La formazione degli studi generali chiamati università, istituti essenzialmente laici, fu il più gran fatto che segnalò quell'emancipazione

among those of Pier delle Vigne, edited by Iselius, lib. ii. c. 34. Gherardacci adds, "Avendo il Senato finita la fabbrica della sala del Re Enzo [which was ordered to be built on receiving the Emperor's letter] vi pose il re prigione; e per dargli ogni possibile conforto, eccetto la liberazione, acciocchè sendo giovane passasse il tempo ordinò che ogni giorno per imboscagliamento si cavassero a sorte quattro cittadini li quali gli avessero a far compagnia."—*Istor. di Bol.* lib. vi. Although there is no foundation for the popular tradition that the family Bentivoglio descend from an illegitimate son of king Enzo, it is, however, quite sure that he had three natural daughters during his imprisonment at Bologna, one of whom married in the family della Gherardesca; facts which prove him not to have been subject to any cruel treatment, and that his children were properly taken care of by the people whose prisoner he was. Let M. Cibrario compare the conduct of a democracy to a king, son of an emperor and their prisoner, and the conduct of kings and emperors towards their prisoners, and decide which of the two parties shows more generosity and greatness of soul.

[dalla clericale influenza] dello spirito umano già impaziente di maggiori progressi, già trasportato da quella sete di scienza che negli animi gentili è una delle più forti passioni, e che mi sembra una delle maggiori prove della nostra futura immortalità."—Page 359.

We recommend this passage to the particular attention of the bishop of Exeter and of the dons of our Universities, that they may learn how the views of Roman Catholic writers (whom we are so prone to stigmatize as bigots) about education, unconnected with any religious sect or creed, are much more liberal and sounder than those of certain protestants, who modestly claim for themselves all the credit of rational belief and tolerant principles.

With respect to the popular mythology of the middle ages in Italy, which does not escape M. Cibrario's attention, we are inclined to think that it is too often assumed that such mythology was founded on the popular superstitions of the Northern nations, and that it was of a most gloomy and awful cast. The fairies we read of in the romances of the middle ages,—the splendid palaces and gardens which they inhabit and embellish,—the retinue of handsome followers who attend on them,—the luxuries of their life, are objects anything but horrible and awful, yet perpetually occurring in writings of this sort by southern authors. A few monsters appear to oppose gallant knights, but this was the only means of alluring them to enchanted places. M. Cibrario, in illustration of his position, tells us that,

"Fra le montagne era a temersi la mazza d'acciaio de' genii custodi degli occulti tesori; presso ai fonti le lavatrici notturne cangiavano in lupo il curioso che le avesse guardate; sulle rive de' fiumi, ninfe dagli occhi azzurri, dalle nere chiome, inebriavan col guardo il mortale che lor si fosse appressato, e, accoltolo tra loro in rapidissima danza, tanto lo raggiravano che non ne usciva che morto."—Page 271.

Now, these illustrations do not only contain *vestiges* of classical traditions, but are absolutely and essentially so. The golden apples in the garden of the Hesperides were guarded by a dragon; Diana changed Actæon into a stag, and the Sirens first charmed and then devoured those who listened to their melodious voices.

M. Cibrario, in speaking of the state of education, philosophy and literature during the middle ages, more particularly in Italy, has not, in our opinion, rendered due justice to the

exertions of Frederic II., who spread the works of Aristotle in the universities which he founded. That emperor felt the political disadvantages deriving to his prerogative by the education of youth being carried on by professors who, far from owing him any allegiance, were his determined enemies, and instilled in the young and educated classes disloyal sentiments. He came, therefore, to the tyrannical determination of forbidding his Neapolitan subjects to study at any foreign university, but he did not go so far as to prevent them from being well educated at home, as M. Cibrario must know to have been done not one hundred miles from Piedmont. Instead of closing old universities, as the Italian governments do, Frederic founded and endowed new ones, and the management of them was not trusted to priests, as is foolishly done in some countries with Jesuits. The professors were not paid by the State, as we are inclined to think, before Frederic had set the example. Previous to that time the professors were chiefly paid by the students who elected them, and who bargained for the remuneration, under the name of *collecta*, to the professor, who hired the school-room wherein to lecture*. It seems that the professors of law received a small allowance from the chest of the university for what were called the *ordinary* lectures; but for their *extraordinary* lectures, which were in fact those from which the students derived most profit and instruction, they were paid by the students. There is a curious passage to this effect in Odofredus, who, at the

* "Bene scitis quod cum doctores faciunt collectam, doctor non querit a scholaribus, sed eligit duos scholares ut scrutentur voluntates scholarium. Promittunt scholares per illos. Multi scholares nolunt solvere, quia dicunt quod per procuratorem non queritur actio domino. Sed si doctor sit propeos queritur ei utilis actio, ut hic." This is from Odofredus's lecture ad l. 79 ff. de verb. oblig., who must have written it rather before 1250. From Henry of Susa, *Sum. in. Decretal. tit. de Magistris*, num. 7, we learn that no professor who received an honorary from the public could make a collect: "Utrum a scholaribus collectam facere vel levare possit magister." Distinguunt doctores et dicunt quod sic, si non percipiat salarium publicum." This is the same prelate of whom Matthew Paris (ad an. 1244) speaks as follows: "De pecunia quam de rege (Hen. III.) non minimam ceperat, comparavit sibi amicos de Maminona iniquitatis et adquisivit sibi (utnam non comparavit) quemdam in suis partibus episcopatum. Et nunciis, corvo factis similibus, dominum suum Noe defraudanti, nuncium cum onere negotii, quod humeris suis auceperat bajulandum, nequiter reliquit imperfectum. Nec apparuit postea in regno Anglor. bonus regni plenius saginatus." The bishopric which Henry of Susa is here charged with having bought is that of Ostia, and hence he is generally known as *L'Ostense*, or *Hostiensis*. He was one of the greatest canonists of that or any other age, and became not only a bishop but a cardinal.

conclusion of his lectures on the *digestum vetus* (*L. ult. ff. de divorc.*), addresses his hearers in the following homely phrases:—

"Or, signori, nos incepimus et finivimus et mediavimus istum librum, sicut vos scitis qui fuistis de auditorio isto: de quo agimus gratias Deo et Beatæ Mariæ Virgini Matri ipsius et omnibus sanctis. Et est consuetudo diutius obtenta in civitate ista, quod cantatur missa, quando liber finitur, ad honorem Sancti Spiritus; et est bona consuetudo et ideo est tenenda. Sed quia mos est quod doctores in fine libri dicant aliqua de suo proposito, dicam vobis aliqua; pauca tamen. Et dico vobis quod in anno sequenti intendo docere ordinarie bene et legaliter, sicut unquam feci; extraordinarie non credo legere, quia scholares non sunt boni pagatores; quia volunt scire sed nolunt solvere, juxta illud; Scire volunt omnes, mercedem solvere nemo. Non habeo vobis plura dicere; ite cum benedictione domini: Tamen bene venite ad missam, ut rogo vos."

We are aware that the point respecting the salaries of professors at the universities of Italy, and the time when the public undertook to remunerate the lecturers, is not by any means settled. But we do not think that the provisions made by Frederic II. have ever been observed by those who wrote on the subject, and we thought necessary therefore to allude to them*. Future inquirers may find them of great service in clearing the doubts which still hang on this most important part of literary and politico-economical history during the middle ages in Italy.

Two civil enactments of this emperor seem to us to have escaped M. Cibrario's attention, and indeed that of most, if not all, writers on the laws and political economy of the middle ages. They are conceived in a spirit of justice far above that of the time when they were passed, and if even not executed for want of an energetic government, they must have had a considerable influence, from the mere acknowledgement of the principles on which they were based. We allude more particularly to the fullest security granted to ships and their cargoes, in any manner, and for any reason, thrown on the coast, or landing, and to the persons and property of foreigners,

* *Petri de Vincis Epistol.*, lib. iii. cap. 10 et seq. also cap. 67. We cannot forbear expressing a wish that a tolerable edition of these letters should be published. The one which we use, by Iselius, is intolerably bad; the letters are printed without regard to chronology or any other arrangement,—and there are some which do not belong to the age of the writer to whom they are attributed.

thereby revealing the dishonest and unsocial principles of the Roman Law on these points*.

The third and last book of M. Cibrario's work treats of what comes under public economy, strictly speaking, and in the limited and technical sense which is attached to it in our own country, as well as in France. It treats of the effects of the governments on industry and agriculture, of sanatory laws, of security of life and property, of the tenure of land, of population, of public revenues, and of the monetary system. If we have had hitherto to point out what seemed to us slight blemishes, or supply what we deemed deficiencies, we are happy to say that we can find no fault in this last, the most important, the most instructive and the most laborious part of this remarkable production.

Every reader of history must have been perplexed at finding sums of money mentioned, the value of which is either utterly unintelligible or so disproportionate to that of our days, that it is impossible for him to form a clear conception of any transaction, for the understanding of which the correct value of money at the time that such transaction occurred is a necessary element. The difficulty is still greater in a country like Italy, where, among other similar nuisances, there is still, and there was much more in old times, a prodigious number of coins, different in intrinsic as well as nominal value and denomination. To reduce all these coins to a common and fixed standard, and to ascertain what would be the actual intrinsic value of such a standard,

* "Navigia quocunque locorum pervenerint, si quo casu contingenti rupta fuerint vel aliter ad terram pervenerint, tam navigia ipsa, quam navigantium bona illis intacta reserventur ad quos spectabant, antequam navigium illud periculum incurrisset, sublata omnium locorum penitus consuetudine, que hinc adversatur civitatem . . . Omnes peregrini et advenæ libere hospitentur ubi valuerint; et hospitati, si testare voluerint, de rebus suis ordinamli liberam habeant facultatem: quorum ordinatio inconcussa servetur. Si vero intestati decesserint ad hospitem nihil perveniat: sed bona ipsorum per manus episcopi loci tradantur heredibus si fieri potest, vel in pias causas erogentur."—*Constitut. Freder.* In die qua §§ 9 & 10. It was enacted in 1220. Compare Magna Charta, in which the grants are much more limited. The importance of this enactment, with respect to the safety of cargoes which might be shipwrecked, may be argued from the following fact. The inedited MS. which we have before quoted, states, that in 1231 the Emperor having gone to Venice, he offered the government of that republic to do anything for them which they might ask him. They answered, "Domine Imperator, ita volumus et petimus a maiestate vestra nobis condonari ut nobis liceat absque ulla lesione nostra recolligere merces si aliquo tempore acciderit quod aliquod nostrum lignum in terris vestris frangetur. Quod quidem eis concessit."

were the problems to be solved ; and to solve them in a satisfactory manner required not only much information, but patient researches, and still more patient calculations.

M. Cibrario, in order to attain the first result, took for his basis the Florentine florin*, the quantity of pure gold which it contains being well known and continuing to our own days, with a slight difference, in the sequin of Venice. And in order to bring the value of other coins to that of this standard, he availed himself of the course of exchange which he found at the conclusion of numberless account-books, in which the accountant stated what coin, of which the intrinsic value is known, was equivalent to the denomination of money in which the amount was taken ; for instance, "*Solutus fuit de florenis, videlicet, unus florenus pro xviii solidis viennensibus*"—"Computato quolibet floreno pro xi grossos turonenses (sic) et obolum." The following illustration in the author's words will more clearly explain this part of his proceedings :—

"Il peso del zecchino Veneto è di 65 grani piemontesi. Il fiorino di Firenze pesava 68 grani. Il valore legale dello zecchino veneto essendo ora di £11,82†, il valore del fiorino di Firenze sarebbe di £12,36,55. A questa regola del fiorino di Firenze, o ad altre monete d'oro o d'argento di cui sia conosciuta la ragione col Fiorino di Firenze sono raggnagliate tutte le altre monete. Trovo, per cagion d'esempio, che nel 1289, otto soldi, nove danari, vale a dire 105 danari di Losanna, compravano un fiorin d'oro ; un danaro di Losanna valea dunque £0,11,77. Trovo poi che il danaro grosso tornese valea 12 losannesi ; conoscendo come si ragionasse il Losannese col fiorino, so che il grosso tornese dovea valere in quell'anno £1,41,24. E questo metodo mi dispensa altresì dal tener dietro alla proporzione tra l'oro e l'argento, soggetta a continue variazioni," &c. —Page 473.

In a country where there is a silver currency, as in France and Piedmont in our own days, the gold is at a premium, and we cannot help thinking it must have been so in the times of which M. Cibrario writes. The accountants will no doubt have been sharp enough to take advantage of this ; and possibly the *obolus* which was added to the eleven *grossi* *turo-*

* Savigny, in one of the appendixes to his history of the Roman law during the middle ages, has had recourse to the same coin for the same purpose.

† The same as francs, or, in round numbers, tenpence a liere. The £11,82 are equivalent to somewhat more than 9s. 10d.

nenses as the equivalent of a florin may have been the premium which was paid for a gold coin.

To solve the second problem, M. Cibrario took for basis the value of corn, and in the same accounts in which he found the reduction into money of which the intrinsic value was known, that of the money in which the accounts were kept, he found abundance of records as to the value of certain measures of corn. But the difficulty was to ascertain the actual quantity of corn which a measure contained. After long researches he had at last the satisfaction of finding that, in 1836, out of a bushel* of corn were made seventy-five Piedmontese pounds of common bread, and there is no suspicion that the pound-weight has ever been altered. At the present day, out of a bushel of corn are made eighty-six pounds of common bread; even deducting one pound on account of the improvements in bread-making, there is still a difference of ten pounds weight between the old and the present bushel†. He then proceeds‡:—

"L'emina presente è uguale a litri 23,0550 [therefore a *sestario* = 46.11]; il *sestario* ossia lo staio antico composto di due emine non era che di litri 40,645. Il prezzo medio moderno d'una emina di grano per un decennio (1825—1835) è di £4,64,63; dunque un *sestario* di grano costerebbe adesso £8,17,76. Sapendo pertanto quanto valeva un *sestario* di grano nel 1289 e quanto vale al dì d'oggi, posso recare il danaro Losannese al suo vero valore, dicendo: Il prezzo medio d'un *sestario* di grano in dodici anni (1289—1300) era in Piemonte di £4,22,64; il prezzo medio presente è di £8,17,76; Dunque il valore rappresentato da un denaro Losannese non era già di £0,11,77, ma sibbene di £0,23,19, perchè tanta quantità di metallo oggi è richiesta per comprare la quantità di grano, che allora si sarebbe comprata con £0,11,77."—Page 476.

The troubles of our author were not yet over. The measures in the same province were not alike: each town, and almost each village, had a measure of its own; and before any record could be turned to use, it was necessary to verify what was the quantity of corn meant by any measure, however

* We use the word *bushel* only to give a more intelligible meaning for our readers to the author's word *sestario*, a kind of corn measure, the name of which is of classical times, and is preserved in many parts of Italy. The *sestario* here spoken of appears to be that of Turin from the author's further observations.

† M. Cibrario has introduced the half-bushel (*emina*) in his calculation without any apparent reason. This has led him to write, in a hurry, *emina* instead of *sestario*, and to suppose that the difference of ten pounds occurs between the present and the ancient *emina* instead of *sestario*.

similar the name of it might be to any other measure, the actual capacity of which was well known. In the course of his researches, M. Cibrario found the bushel of Pinezza one-ninth smaller than that of Turin, and those of Carignano, Vizzone, Villafranca and Cavour one-third less. As they are all in one province, M. Cibrario made use of the records relating to any of these places, to ascertain the value that corn had there in ancient times; but he was of course compelled to reduce to the Turin measure, or *bushel*, all the *bushels* on which he had occasion to rest his calculations, but which differed from the one he was obliged to adopt as his standard.

M. Cibrario seems not to have been aware that the principles on which he proceeded with respect to the ancient value of money were those followed, nearly a century ago, in this country, by Bishop Fleetwood, in his most excellent work "*Chronicon Pretiosum*." He at once states the question as to the real value of a pound, and the means of ascertaining it in his concise and clear manner:—"A *pound*, for instance, will "buy either more or less corn (take it which way you will) "now than it would in H. VI. time. A *pound* is therefore "of more or less value *now* than it was then; and the "value of a *pound* is truly a *pound*, and not its mere name. "It is not therefore the same thing *now*, that it was in "H. VI. time." And at the conclusion of the work he addresses himself thus to the person whom he supposes to have given him a motive for writing his work:—"From whence "you may safely conclude that 5*l.* in the reign of H. VI. "was of somewhat better value than 10*l.* now-a-days is. In "the next place, to know somewhat more distinctly where- "abouts an equivalent to your ancient 5*l.* will come, you are "(as before hinted) to observe how much corn, meat, drink, "or cloth, might have been purchased two hundred and fifty "years ago with 5*l.*, and to see how much of the modern "money will be requisite to purchase the same quantity of "corn, meat, drink, or cloth. now-a-days. To this end you "must neither take a very dear year, nor a very cheap one, "nor indeed any single year, to be your rule; but you must "take the price of every particular commodity for as many "years as you can, (twenty if you have them,) and put them "all together, and then find out the common price; and

“ afterwards take the same course with the price of things
“ for these last twenty years, and see what proportion they will
“ bear out to one another; for that proportion is to be your
“ rule and guide.

“ Thus, if for twenty years together (from 1440 to 1460)
“ the common price of *wheat* were 6*s.* 8*d.* the quarter, and
“ if from 1656 to 1706 the common price of wheat were 40*s.*
“ the quarter, 't is plain that 5*l.* in H. VI. time would have
“ purchased fifteen quarters of wheat, for which you must
“ have paid, for these last twenty years, 30*l.* So that 30*l.*
“ now would be no more than equivalent to 5*l.* in the reign
“ of H. VI.” &c.

But in applying his principles, the Bishop had far greater facilities than M. Cibrario. He was writing for a country where the quantity of metal (silver, for instance,) contained in a certain denomination of coin (shillings, for instance,) is ascertained beyond doubt from the earliest period. The kings of England never having granted to any party the power of coining, and the nation having always been united and never enslaved, the robberies of which M. Cibrario so justly complains of forgers, as well as of sovereigns who lowered the standard of money, were not often committed, and never escaped detection. The English bishop had likewise the same facility with respect to the actual quantity of wheat contained at any time in a quarter, nor had he to trouble himself with reducing to a modern and uniform standard either the money or the measure of the commodities.

Sir Frederick Morton Eden, in his “Table of Prices,” which forms one of the Appendixes to “The State of the Poor,” says of his own performance,—“The archæological
“ researches of modern times have enabled me to notice many
“ circumstances, which could not have possibly fallen within
“ the reach of the industrious compiler of the ‘Chronicon
“ Pretiosum:’ nor do I mean to depreciate his labours, when
“ I add that the value of a work of this nature is much greater
“ when the passages of authors which have been referred to,
“ are *accurately quoted*. Bishop Fleetwood, indeed, in general
“ cites the author, but seldom mentions the page of the book
“ he consulted. Other writers have published tables of prices
“ without reference to a single authority: they at least secure

" themselves from the imputation of inaccuracy, for it is not possible to conjecture whether they are right or wrong whilst the sources of their information are concealed." M. Cibrario can say all this, and much more of his own work. His researches are extended over a good number of years, taken from undoubted sources, being the original household and account books of a large number of governors of fortresses and provinces, noble families and princely houses, and embracing all manners of objects. These documents, all inedited, are faithfully quoted, so that, not only the application of this information, but the sources from which it is derived, are altogether new, never having before attracted the attention of the antiquarian or the historian. The tables drawn up by the author are to be divided into four classes, as the reader may perceive from the following words of M. Cibrario: " Inserirò," he says, " qui appresso le tavole del prezzo de' grani per centonove anni cioè dal 1289 al 1397; Il paragone del vario prezzo de' grani in diversi mesi d'un anno medesimo; Le tavole del ragguaglio delle antiche monete colla moneta corrente; Le tavole dei prezzi di tutte le principali opere e cose che erano in commercio."—*Page 479.*

Before giving the last series of tables here mentioned, M. Cibrario gives us a very interesting chapter on " commerce, navigation, credit," &c. in which we cannot avoid noticing three statements utterly unintelligible, as we think, and in which some glaring error of the press must have occurred: " Quando i Bardi e Peruzzi banchieri del Re d' Inghilterra fallirono la prima volta nel 1339, tenean credito verso detto re d'un milione e trecento sessantacinque mila fiorini, il che viene ad essere in moneta corrente £274,870,05:" and to this incomprehensible cipher is added the following note: " S' inganna il dotto signor conte Pecchio ragguagliando quella somma di fiorini a soli settantacinque milioni di lire nostre." It is this note that has made us notice these statements, as it seems to exclude the supposition of an error in printing. Further on the author continues, " Nel 1337, Giovanni Salmibeni ebbe a distribuire circa a cento mila fiorini (20,386,20)." This is likewise unintelligible. Then we find, " Nel 1357, a Siena era il valente di venti milioni di fiorini che corrisponde a £123,850,000."—(*Pp.* 528, 529.) If this be correct, as we

think it is, the last numbers are meant to represent two millions, &c. (2,038,620), and the former ones twenty-seven millions, &c. (27,487,005), that is little more than one third of the sum mentioned by Pecchio, whose fault is to overstate the real amount,—not understate it, as M. Cibrario's words "*nonli settantacinque milioni*," would make us to believe. These sums ought always to be written out at full length, to prevent mistakes of this description, scarcely avoidable by readers when authors themselves are so apt to fall into them.

The failure mentioned by M. Cibrario of the two great banking-houses Bardi and Peruzzi, had a most disastrous effect on the commercial transactions of Tuscany, as well as of all the rest of Italy. Villani, on mentioning the subject with some minuteness and in two different places of his history (book xi. ch. 87, and book xii. ch. 54), does not fail to observe how much public credit was shaken by such an occurrence, and how wide-spread were the consequences of those failures. A large number of smaller commercial houses, and of private individuals, who had deposited their funds in the hands of either the Bardis or the Peruzzis, were ruined. That old and contemporary historian reproaches these bankers with having so foolishly placed themselves and the property entrusted to them at the mercy of a foreign sovereign—our Edward III.—who, being unable to fulfil his engagements, was the cause of their disaster. Mr. Bond, of the British Museum, has discovered among the Cottonian Manuscripts in that institution (Nero. B. vii. fol. 4.) a letter of the republic of Florence to Edward III., in which it is stated that the Bardis and their partners and families were reduced to great distress after their bankruptcies, consequent upon his having failed to fulfil his engagements towards them. The republic earnestly entreat the king to relieve the pressing wants of these persons, by repaying them, if not what was owing to them, at least enough to support themselves. Having been favoured by Mr. Bond with a copy of this interesting document, we beg to submit it to our readers:—

"*Regum gloriosissime et domine! Quia tronus regius clementia roboratur, perinde confidentius ad mayestatis vestre diadema sublimē recurramus, in favorem sociorum hactenus societatis Bardorum de Florentia. Ipsi enim socii et successores eorum occasione dissolutę societatis predictę facti sunt de locupletibus pauperes et egeni, in tantum quod gravati filii et familia vix sufficiunt ad sustentamen eorum: et hoc evenit eis*

propter copiosa servitia quæ dicti olim sorii contulerunt vestræ maiestati, ponentes fere totum hæc eorum in servitium maiestatis affata, tempore guerræ præcipue, quo tempore vestra serenitas pecunioso suffragio indigere dicebatur. Dictorum igitur dudum sociorum filios et successores creditores vestræ celsitudinis quantum efficacius possunus et humiliter vestro culmini regio commendamus, supplicantes maiestati præfatæ quatenus in eos munificentie vestræ dexteram extendentes, dignemini misericorditer agere cum eisdem, et de ærario regio vel aliter subvenientes eisdem, liberalitate regia quam decet erga servitores suos fore propitiam et clementem; ut, qui maximam quantitatem pecuniæ in obsequiis regis effuderunt, restitutionis ejusdem vel saltem subventionis pro manutentione status ipsorum sub maiestatis vestræ trono non fiant expertes. Prædicta quippe honorem sublimitatis regie cernunt; ipsique et nos nostraque communitas perinde erimus ad fidelia obsequia et mandata dispositi regie voluntatis; quam sospicem conservet omnipotens regno suo! Data Florentiæ, die xxi. Januarii x^{te}. indictionis. [A.D. 1357?]

Devotissimi maiestatis v . . .

Piores artium et } populi et communis
vexillifer justitiæ } Florentiæ.

In dorso :—"Serenissimo ac gloriosissimo Principi et domino, domino Heduardo, Dei gratia, Angliæ et Franciæ Regi."

The last of the series of tables given by M. Cibrario is extremely useful and amusing, giving us an insight into the domestic life of the great Italian families in the middle ages, their economical arrangements, luxury in dress and eating, &c. the cost of their pastimes, and therefore of the importance attached to them, &c. In 1303 Amedeo V. bought, in London, two paintings of the "*trois morts et trois vifs*," for which he paid 40s. 6d., equal to about 348 francs, or 14*l.* in our own days in Piedmont*. In 1365, a horse (destrier), given by

* M. Cibrario has the following observation on this entry: "*Allusivi a una famosa leggenda composta poco prima intitolata il dice dei tre morti e dei tre vivi*" This *legenda* or *dis* was very popular in the middle ages. The *morale* of it consisted in calling man's mind to the vanity and fatality of worldly splendour by comparing it with the hideousness of a skeleton or corpse. There were several of these legends on this subject by various hands. In the Catalogue Lavallière, n. 2736, is described a MS. collection of French prose and poetry of the latter end of the thirteenth century, which contains two of these compositions. The first, (N. 22.) begins

Ce sont li lij morts et li lij vis
Que boudonns de Conde fist.

The second, (N. 23.)

Cbi commenche li lij mors et li lij vis
Ke maîtres nicholes de marginal fist.

Mr. Douce (*Dance of Death*, Lond. 1833, p. 31) thinks that the earliest allusion to this legend is perhaps that occurring in the Campo Santo of Pisa, by Orcagna. "The painter," he says, "has introduced three young men on horseback, with coronets on their caps, and who are attended by several domestics whilst pursuing the amusement of hawking. They arrive at the cell of St. Macarius, an Egyptian anchorite, who with one hand presents to them a label with this inscription, as

Amedeo VI. to Galeazzo Visconti, cost one thousand florins (19,496 francs), and two little female slaves, bought by the same prince in 1367, at Constantinople, cost 72 perperi, (730 francs). English horses, even then, were imported into Italy, and must have been in great request, since the duty which they paid at Bard was comparatively enormous. In 1283 there went through Bard 2225 common horses, and 99 English ones. The former paid 9 danari viennesi (1 fr. 55 cent. each, or 1s. 3½d.), the latter paid 1s. 1d. each, (now equivalent to 12 fr. 88 cent., or 10s. 8½d.).—Page 434.

We beg to conclude our remarks with recommending this work to such readers as feel an interest in economical and historical researches, as well as to those who wish to acquire sound information on interesting subjects conveyed in an agreeable form. Whatever has appeared to us to call for improvement can be easily altered in a second edition: the plan of the work, its general execution, the importance of the subject deserve nothing but praise, and the author must obtain it from all candid judges.

well as it can be made out, [corrected from the work *Pitture del Campo di Santo di Pisa*, engraved by Lasinio, which seems to have been unknown to Douce]:

Se nostra mente fia [fosse?] bene accorta
Tenendo risa [fisa] qui la vista affitta,
La vanagloria ci sarà [sarà?] sconfitta
La superbia e sarà da morte [sic]:

and with the other points to three open coffins, in which are a skeleton and two dead bodies, one of them a king." Vasari, in the life of Orgagna, says, "E poi da basso San Machario, che mostra a que' tre re che cavalcando con loro donne e brigata vanno a caccia, la miseria umana in tre re che morti, e non del tutto consumati, giacciono in una sepoltera, con attenzione guardata d'ni re vivi," &c. In the library of the British Museum there is a beautiful MS., forming part of the Arundel Collection, containing an illumination, which at the beginning of the inner column of the page, represents three kings; and three dead bodies, or skeletons, at the beginning of the outer columns. Under the first illumination is written *de vivis regibus*; under the second *de mortuis regibus*; each rubric followed by a French poetical dialogue. But there is no doubt the work was executed in England, there being at the top of the page the following *quatrain*, written all in one line:

"Ich am ufert. Lo what ich se
Mefinkeþ hit. Beþ deueles þre
Ich wes wel fair. Such schelton be
For Godes loue. Be wer by me."

The first two lines are, of course, spoken by the living kings, and the two last by the dead ones. The MS. is of the earliest part of the fourteenth century, and seems not to have been known to Mr. Douce. See *Catalogue of MSS. in the Brit. Museum*, new series, p. 22, n. 83. A copy of the French dialogue is given at the conclusion of the preface, and the outline of the illumination has been engraved at the end of the volume.

ARTICLE IX.

Recent Occurrences at Cracow.

AMONG the political problems whose solution is of vital interest to the preservation of the balance of power in Europe, is one whose importance is in inverse ratio to the territorial extent of the country most concerned; but which involves some of the most sacred principles of international law. We allude to the "Free Town of Cracow," the vicissitudes of whose fortunes we have before now taken occasion to dilate upon, and more especially at a former period, when our Minister for Foreign Affairs had solemnly, in his place in Parliament, promised to send an English Resident thither,—a promise which our readers probably well know remains to this day unfulfilled. —

To show however that the necessity for this step was not exaggerated by us, and to recall to their memory the principal facts of interest respecting this last remnant of Polish nationality, we propose to detail in as summary a form as we can, the circumstances under which the Republic of Cracow was established, the treaties by which its independence was placed under the guaranty of the Great Powers of Europe, and the systematic and, alas! unresisted violation of every stipulation by certain of those Great Powers, so solemnly appointed its defenders. Our rapid narrative of the sufferings of the "Free State" is derived from official documents; its object is to correct the errors which prevail, and to refute the misrepresentations which self-interested tyranny, shrinking from the light, has succeeded in spreading. After the last partition of Poland in 1795, Cracow underwent many vicissitudes; from 1795 to 1809 she remained under the domination of Austria; in 1809 she was incorporated in the grand duchy of Warsaw; at a later period, ceded to Prussia by the Emperor Alexander, she again became, in 1815, an integral portion of the grand duchy. The last fundamental pact of the Republic rests on the arrangements made by the Great Powers in 1815, and the separate treaties concluded by them amongst themselves, at the Congress of Vienna. These treaties are dated the 3rd of May, 1815, and are four in number:—

1. Between Russia and Austria.
2. Between Russia and Prussia.
3. Between Russia, Prussia and Austria.
4. Between all the Great Powers, the Act-General of the Congress of Vienna.

The two first-named treaties relate to the whole of Poland, the third exclusively to Cracow; and to this treaty which is called "Additional," is appended, under the same date, the "Constitution of Cracow;" while by the 118th Article of the Treaty of Vienna, all the stipulations contained in the three treaties above-mentioned are solemnly recognised, and placed upon the same footing as if they had been inserted, word for word, in the general act of the Congress. Thus there can be no doubt as to the degree of legitimate influence and protection reserved to the high contracting parties whose signatures are affixed to the general act, among whom England and France appear as powers of the first order.

It is necessary here to recapitulate some of the circumstances which led to the establishment of the Republic. It is notorious that the principal of these was the necessity felt by the Great Powers of maintaining the balance of power, which must have been destroyed the moment any one became possessed of Cracow, and the vast commercial and military advantages which derive from its geographical position. At the Congress of Vienna itself this fear had been openly avowed on several occasions by England, who demanded the re-establishment of Poland, under a foreign dynasty, and the creation of an independent state, placed amidst the three Great Powers. She further insisted on the maintenance of Polish nationality, as the best method of attaching the Poles to the foreign ruler who was to be given to them, whatever form of government might be determined on; and asserted, that by these means alone all danger to the liberties of Europe might be precluded, and the happiness of Poland assured*. These sentiments were shared by Austria; and Prince Metternich so declared, in the name of the Emperor, in his note of the 21st of February, 1815.

* See Lord Castlereagh's Note of January 12, 1815, presented to the Committees for the Affairs of Poland and Saxony.

At length, after a long and painful period of gestation, was born "The Republic of Cracow," to be for ever a monument consecrated to the independence of at least a portion of Poland. Four hundred and ninety-six square leagues of territory, and a hundred and ten thousand souls (out of 282,000 square leagues and twenty millions of inhabitants) were assigned to the new state, whose existence was assured upon the faith of treaties, and placed under the guaranty of all Europe, in imitation of the free towns of Hamburg, Lübeck, Bremen and Frankfort.

The general act of the Congress of Vienna contains, among others, the following provisions in favour of Cracow. Art. 6. declares the town and its territory, free, independent and strictly neutral, under the protection of Russia, Austria and Prussia. By the 8th article the Emperor of Austria guarantees for ever to the town of Podgorze, situated near Cracow, in the Austrian territories, all the privileges of a free commercial city. Art. 9. guarantees neutrality both to the free town and its territory, and this Russia, Austria and Prussia bind themselves to maintain, not only among themselves, but against all others. This article further stipulates that *on no pretext whatever* shall an armed force be ever permitted to enter the territory. Art. 10. declares that the clauses relating to the Constitution of Cracow, the University, the Bishopric and the Chapter, which are comprised in Arts. 5. 7. 16. and 17. of the "Additional Treaty" touching Cracow, and annexed to the General Treaty, "shall be of as full force and effect as if they were inserted word for word in the present Act." Art. 118. of the general act establishes the same principle a second time, with express reference to the treaties signed on the 3rd of May, 1815, between Austria and Russia, and Russia and Prussia; while Art. 119. engages the high contracting parties to the above-mentioned treaties to adhere to the present act.

The primitive constitution of the free town of Cracow consists of twenty-two articles, and contains the following provisions:—

Art. 1. proclaims the Roman Catholic the religion of the state. Art. 2. secures their social rights to all Christian inhabitants, without distinction of creed. Art. 3. declares all Christian creeds to be under the protection, and equal in the eye, of the law.

Art. 4. defines the form of government, which consists of a senate comprising twelve members and a president. Art. 5. prescribes the mode of electing these senators, nine of whom, including the president, are to be chosen by the Chamber of Representatives, four by the University and the clergy. By Art. 6. it is provided that six of the senators shall be elected for life; the president is to remain in office for three years, but is capable of being re-elected. Art. 7. fixes the electoral franchise upon the basis of taxation, to the amount of fifty florins per annum*, on landed property. Art. 8. provides for the nomination of certain functionaries by the Senate and the University. Art. 9. establishes *communes* of from 2000 to 3500 inhabitants, under the administration of a mayor and one assessor.

By Art. 10. the month of September is appointed in every year for the meeting of the House of Representatives, whose session is not to continue beyond a month. This elective body possesses the legislative power; it examines the accounts of the administration—regulates the budget—elects the members of the Senate, the judges and magistrates; it further possesses the privilege of bringing to trial before the supreme court of judicature any functionary charged with malversation or exaction. Art. 11. determines the composition of the Chamber as follows: it is to consist of one deputy returned for each *commune*; of three named by the Senate; three ecclesiastics nominated by the Chapter; three doctors elected by the University; and lastly, six magistrates, acting by turns, as counsellors. The President must be one of the three deputies delegated by the Senate.

Art. 12. charges the House of Representatives with the drawing up a code of civil and criminal law, and the regulating the forms of judicial proceedings. Art. 13. provides for the possibility of a difference of opinion between the Chamber and the Senate, respecting the passing of a law.

Art. 14. appoints justices of peace, one to every district comprising 6000 souls. Art. 15. establishes courts of judicature and appeal; and Art. 16. defines the composition of the supreme court mentioned in Art. 10., and which is to

* The Polish florin is worth about eightpence sterling.

comprise five deputies chosen by ballot, three senators named by the Senate, the presidents of two courts of justice, four justices of the peace by turns, and three citizens named by the functionary whose conduct is the subject of investigation. The sentence of this court cannot be pronounced save in the presence of nine members. Art. 17. decrees the publicity of all judicial proceedings, whether in civil or criminal suits, and the trial by jury. Art. 18. guarantees the independence of the magistracy.

Art. 19. prescribes that after ten years from the date of the publication of the Constitution, the following qualification shall be required for a seat in the Senate: 1st. The full age of thirty-five years. 2nd. To have completed the course of studies in one of the universities of the ancient kingdom of Poland. 3rd. To have been a major more than two years, a magistrate for two years, and a deputy for two sessions. 4th. To have a fixed landed property assessed at 500 florins a year, and which has been the *bond-fide* property of the candidate for one full year before the election. The qualification for the magistracy was as follows: 1st. To be of the full age of thirty years. 2nd. To have completed the course of study and obtained the degree of doctor in one of the aforementioned universities. 3rd. To have been one year clerk to a notary and one year clerk to an advocate. More rigorous conditions were imposed upon members of the Court of Superior Jurisdiction and presidents of courts.

The qualification for a member of the Chamber of Deputies was, 1st. To be of the full age of twenty-six years. 2nd. To have completed the course of study at the University of Cracow. 3rd. To have been for a full year in possession of a landed property assessed at eighty florins.

Art. 20. declares that the Polish language shall be used in all the acts of the government, the legislative body, and the courts of justice. Art. 21. places the income and expenses of the University in the general budget. Art. 22. creates a militia and *gendarmerie* for the service of the interior, and the police.

Now we ask what can be more legitimate or better founded than the right to independence, set up by the Republic of Cracow? Let us however proceed to inquire how that right

has been recognised, and what results have been brought about by the total abandonment of Cracow, on the part of England and France, to the tender mercies of the three courts misnamed "Protecting."

It was at all times a leading feature in the policy of Russia to throw every possible obstacle in the way of the development of Polish nationality. The consolidation of her own power and the maintenance of her own hideous despotism rendered this necessary. The very attempt to attach a civilized to a semi-barbarous nation by constitutional bonds, to make the latter reign over the former, to tear this into three tatters for the purpose of joining the strips to three several powers, was certain, from its own absurdity and the temporary character of the arrangements themselves, to lead to the most disastrous complications. This necessary result had not escaped the sagacity of several diplomatists, and more especially of one, a trusted councillor of the Emperor Alexander, who in September 1815 presented a note to his master, in which he affirmed, "That the result of uniting Poland to Russia could only be a system of invasion and encroachment, leading to new struggles, and ending either in total subjection or separation." In fact, no one with the slightest pretence to penetration could have failed to prophesy the same. Be this as it may, the arrangement of the affairs of Poland was completed in 1815, and it is now our duty to describe with what good faith certain powers have fulfilled the engagements then entered into.

In all the encroachments on the liberties of Poland, and especially of Cracow, the particular object of these remarks, Russia has invariably taken the lead. She it is who has always given the impulse, and dragged after her in her crusade Austria and Prussia, on pretext of an alliance, which, God be thanked, grows weaker every day. The first attacks on the independence of Cracow were made by her anterior to 1830, in her interdicting all communication between that city and the other provinces of Poland,—a step in direct violation of the Constitution. She further demanded the expulsion from the University of certain individuals who had incurred her displeasure. In 1829 she deposed the President, and persuaded the other Powers to suspend and modify the Constitution. This was done; the legislative assembly was not called to-

gether for three whole years; the Senate was not consulted, and the Republic began from this time to be governed by the protocols of the Three Residents—in utter contempt and subversion of the Constitution.

In September 1831 the first invasion of the territory took place by a Russian corps under the command of General Rüdiger; the occupation lasted for two months, and was only put an end to at last by the energetic remonstrances of Austria. The Russian General on his entry into Cracow engaged to pay for all his supplies; but he did not think fit to keep his word, and on retiring insulted the inhabitants by saying, "A city so little devoted to Russia deserves a severer punishment than this!" During the occupation, the venerable bishop of the diocese was arrested and thrown into prison.

The conduct of Russia on this occasion led to a protest on the part of the Senate, addressed to the Three Courts. The Residents however opposed this measure, and went so far as to deny that the Senate possessed any power at all of protesting against the occupation: and we hardly know in what terms to characterize the weakness and inconsistency of Austria in this matter, seeing that she had herself opposed the entry of the Russians.

In 1833 a new constitution was granted by the Three Courts: this was a direct violation of the treaties and of the last article of the former constitution, by which it was provided that no modification should take place without the consent of all the contracting parties. In order however not to awaken the attention of England and France, they put forward the "national desire" as a pretext for this change, and that at a moment when the national feeling was expressed in the most unequivocal terms against any such act of aggression.

The old constitution of Cracow had said not a word of protectors or protectorate: nor had it contemplated the intervention, in any manner whatsoever, of the Three Courts in the affairs of the Republic. To remedy this defect, the following article was now drawn up:—"In case of differences arising between the Senate and the House of Representatives, or between the members of those two bodies, respecting the extent of their powers, or the interpretation to be put upon the present constitution, the Residents of the Three Courts, in conference assembled, will have to deter-

"mine the points at issue." This is Art. 27. of the new constitution. In pursuance of the same system, the authority of the Senate was next annihilated; the independent members were cashiered, and hirelings of the Conference nominated in their place. From that moment the Senate of the "Free Town" has been only the organ of the will of the Residents, under whose directions it issues orders and votes addresses of confidence and gratitude, according as may happen to be dictated from head quarters. On the 15th of August, 1833, a new "Organic Statute" was forced upon the University: by this the Conference deprived the Government of their constitutional right of appointing professors, whose nomination for the future was to be in the hands of the Residents. Each of the Three Powers took one particular faculty under its paternal care; and in this happy scramble, Medicine fell to Austria, Law to Prussia, while Russia as usual got the lion's share, in the form of the faculty of Divinity. The spirit of this distribution will be evident enough when we observe that to Russia, not Austria, was thus committed the charge of the Roman Catholic worship. In this manner the university of Jagellon, which had existed for nearly five centuries, whose ancient statutes had been specially confirmed by the 15th article of the additional treaty, and which, according to the same treaty, was intended to supply a national education to all Poles without exception, saw its privileges, nay, its very existence as an independent body, put an end to by a single stroke of the pen.

In 1834 the Three Courts concluded a secret convention at Münchengrätz. By this they pledged themselves to the mutual extradition of their subjects, and to send troops into the territory of Cracow, in equal proportions, upon the demand of any two of the Residents to that effect. On the 6th of February, 1836, a corps of Russians and Austrians blockaded the territory of the "Free Town," and cut off the supply of even the necessaries of life. This was the moment chosen by the Conference to demand from the Senate the expulsion of *refugees*, and others by them designated as *dangerous*. That this was only a pretext for the ulterior occupation of the town is evident, from the fact that there were no disturbances whatever at Cracow, and that the few Polish refugees in the place were living in the most retired and peaceable manner.

It is true that certain journals in the pay of Russia did take considerable pains to spread a belief in the existence of such disturbances; but it is also true that a solemn and unequivocal denial of all their statements was given by the official gazette of Cracow, on the 25th of June, 1836. In adhering to the constitution and the treaties, it was impossible to include peaceable refugees under the terms "malefactors, criminals" "escaped from justice, and men having no visible means of obtaining a livelihood;" while the new constitution of 1833 gives no authority whatever to expel refugees. Nevertheless, on the 6th of February, 1836, the Conference handed a second note to the Senate, declaring that the decree of expulsion was to extend to all persons not born within the limits of the Republic, who had taken any part whatever in the last Polish revolution. On this, the President of the Senate, M. Wielogłowski, felt it his duty to address a note to M. de Metternich, dated February 25th, 1836, in which he stated, that "the Senate had frequently entreated the Conference to lay down a rule for the admission or rejection of refugees, and especially in a note dated the 26th of September, 1833; but that their many requests to that effect had never been honoured with an answer." It is therefore only too clear, that the presence of a few harmless refugees, had, in fact, been connived at by the Conference, in order at the proper time to furnish a pretext for the occupation of the city. Moreover, had there really been any disorders at Cracow, Art. 2. § 1. of the new constitution furnished legal means of calling the attention of the Senate to the guilty parties. The occupation of Cracow, then, had long been predetermined on.

But the demands of the Conference were not to stop here. At midnight on the same day, viz. Feb. 6, 1836, they sent a note to the Senate, in which, after accusing that body of want both of means and inclination to expel the refugees, they announced an immediate occupation to be rendered necessary by the state of affairs. In fact this was effected the next morning by the Austrian contingent, which was followed by the entry of the Russian and Prussian troops. From that moment commenced the *régime* of Sabre-Law, with all its hideous consequences: Cracow beheld with terror the establishment of a merely military jurisdiction; a system of espi-

onage, domiciliary visits, arrests, expulsions, extraditions, denunciations, nourished by the large rewards conferred upon informers; her magistrates and authorities insulted,—her militia disarmed and in great part transported into the Austrian territories; her commerce annihilated; the liberties of individuals—her constitution and the treaties which guaranteed her independence—trampled under foot and violated! in a word, a free town, an independent republic, treated like a conquered province and placed under martial law!

The expulsion of the refugees was effected militarily: some were delivered up to Russia by the Austrians; others were marched to the prisons of Brünn, which they only left to take the route to Trieste and America.

A note of the Conference, dated Feb. 16, 1836, announced to the wretched inhabitants of Cracow that the expenses of the occupation, "*comme il est de règle*," were to be defrayed by themselves. At the end of three months the Austrian general Kaufman issued a proclamation, in which he declared that the occupation, having effected all the objects proposed by it, was about to cease. Our readers have however to be told, that that occupation continues to this very day, and that nothing seems to presage its speedy termination: especially when it is borne in mind that the Conference, after disarming the militia as infected with liberalism, seized this pretext to retain the Austrian soldiery until the formation of a new militia—of 300 men; and as all the world knows that the difficult problem of organizing this imposing force, after four whole years, is as far from a solution as ever!

In a note dated June 2, 1836, the Conference pointed out to the Senate the bases upon which the police and the militia were to be organized, and laid down the principles by which the admission of foreigners should be regulated; adding a delusory guarantee, founded on the principle of *non-retroactivity* (as if no one had heard of the expulsion of the Refugees!), for the residence of certain individuals without passports. (See Art. 4. of Annex G.)

The Senate soon received a hint on which it made haste to act. It demanded of the Residents that they should proceed to organize the police, and make it dependent solely upon themselves, since it would be difficult for the Senate to find *copable* parties, and that the duties of inspection would be a

troublesome undertaking, likely to interfere with a proper discharge of its own administrative functions. From the date of this declaration Austrian *employés* have the charge of the police in Cracow. A similar measure was adopted by the Conference with regard to the militia: the Senate was ordered to demand that this body should be completed with Austrian officers and soldiers, since it would be difficult to find in the republic, three hundred men in whom confidence could be placed. This demand also, it will be believed, was graciously granted; the commander and officers of the militia are Austrians. Two companies are already formed of Austrian soldiers, who wear the uniform of their own army; and there is little doubt but that the remainder of the corps will be Austrian too by the time of the evacuation, if that should ever take place at all!

In 1836, at Töplitz, Russia formally proposed to Austria to incorporate the territory of Cracow with her own dominions; these proposals were rejected;—so Count Nesselrode, passing through Cracow on his return from Töplitz, received a petition to the same effect, addressed by several resident merchants, to the Emperor Nicolas. However, all the efforts of the Russian Resident to get up a demonstration among the inhabitants in favour of Russia failed on this occasion.

In 1838 the Chamber of Representatives presented an address to the Three Courts, in which it implored their protection against the abuses which existed at Cracow. The only answer vouchsafed by the Residents was, that the address was not of a nature to be received by the Three Courts! On the 26th of April, 1839, the President of the Senate, Haller, who had himself been nominated by the Residents, was deposed, and by them declared to be attacked with insanity, a disorder hereditary in his family; yet the only overt act of insanity which could be laid to this poor man's charge was the blind obedience with which he had executed every order of the Conference!

But even these encroachments on the liberties and independence of the Free Town would not have been complete without certain reforms, which the humble Senate of Cracow, by order of the Conference, demanded, and which were generously vouchsafed in a note of June 24, 1839. These reforms are seven in number:—

1. The Diet, instead of being called together every three years, shall be assembled only for the purpose of voting the Budget, whenever the Senate, with the assent of the Three Protecting Courts, shall think it necessary.
2. Every functionary, whether a senator or not, may be elected a member of the Chamber of Representatives, but before he can take his seat he must have the consent of the Conference.
3. The Senate shall be composed of members nominated by the Conference of Residents, which for this once only will also nominate the judges; these in future will be appointed by the Senate. The Senate, without being previously authorized thereto by the Residents, shall neither grant pardons nor commute sentences*.
4. The Supreme Tribunal is abolished, and the Court of Appeal will entertain all causes which fell within its jurisdiction. The Sections will judge all causes in the two inferior courts.
5. Criminal trials (which the 17th Article of the Constitution declared should be carried on with full publicity) *shall from henceforth take place with closed doors.*
6. State criminals, senators and magistrates shall be tried before a Commission delegated by the Protecting Courts, twice a year, and composed of one Austrian, one Russian and one Prussian functionary.
7. The place where the condemned criminal shall undergo his punishment shall be appointed by the aforesaid Commission, in one of the three respective countries, seeing that the territory of Cracow itself offers but little security in this respect.

We mean to add but few words of our own to the horrible detail of facts so flagrant. We have depicted the total annihilation of the last traces of independence in the miserable Republic; the facts recorded speak more loudly and more convincingly than any reasonings or any eloquence that we could bring to bear upon the subject. But we must still say a few words, in order to show France and England the picture of a free city, once flourishing, now ruined; a free city which

* The number of senators has since that time been reduced from twelve to eight.

they assisted to create, only that they might afterwards abandon it to the tender mercies of its bitterest enemies.

Among the Residents of the Three Powers who now tyrannize over Cracow, the representative of Russia is distinguished by his hatred to the institutions and inhabitants of the city. We might cite a multitude of facts in corroboration of what we say, but for the sake of brevity we shall confine ourselves to one which will sufficiently characterize both the man and the deplorable situation of those whom he governs.

Baron Ungern Sternberg, formerly secretary to the Russian embassy at Berlin, and now representative of Russia at Cracow, occupies a residence belonging to the city of Cracow: in this house he suffers to reside a certain M. Szalewski, one of the *employés* of the customs, and his daughter, Madame Podgorska: this lady has now been living for three years apart from her husband, who has some government office in the kingdom of Poland. The separation was notorious to all the world, and was caused by certain facts to which the Russian Resident is no stranger. The outraged husband obtained from M. Szypow, Minister of the Interior at Warsaw, an order addressed to Baron Sternberg, and commanding Madame Podgorska to leave Cracow within four-and-twenty hours. With this order he himself arrived in the city in August last. Seeing however that the order was not obeyed, and that his wife still continued to live on in the same abandoned course, he applied to the courts of justice to establish his right to various effects illegally detained from him by her. He obtained a judgement in his favour, which Madame Podgorska, confident in the protection of the Russian Resident, refused to obey. The Court then felt itself bound to support M. Podgorska, and, on the 16th of August, 1839, an officer of police was ordered to place himself in charge of the effects in question, for the purpose of delivering them to the husband. While in the act of performing his duty the officer was commanded to leave the house by the Russian Resident, who said that he should take upon himself the settlement of the affair. The officer obeyed this command, and, on the 19th of August, the Senate received the following note, to which we will not do the injustice of a translation:—

Copie ad No. 4,793.

Cracovie, 19 Août, 1839.

Le Département Impérial des Affaires Etrangères.

La Légation Impériale de la Russie.

No. 1,182. Au Louable Sénat de la République de Cracovie.

“ Le 17 de ce mois, à 8 heures du soir, dans l'hôtel qui sert de résidence à la légation russe, est entré violemment un agent du gouvernement, le commissaire Koysiewicz, accompagné de plusieurs hommes *armés de bâtons*, et d'employés de la police, qu'il eut l'audace de placer à l'entrée de l'hôtel et dans les corridors attenants aux appartements du soussigné Résident.

“ Cette violation de la résidence du représentant du S. M. l'Empereur de Russie, effectuée à une heure avancée, et dans son absence, est d'un caractère tellement grave, qu'il suffira de la faire connaître au louable Sénat, pour qu'une sévère punition soit infligée à l'agent qui a osé entrer armé dans le dit hôtel, ainsi qu'aux magistrats qui lui ont donné des ordres à cet effet.

“ Le Soussigné se hâte donc d'informer le louable Sénat de ce criminel attentat qui vient d'avoir lieu, et y joint deux pétitions, dont l'une de M. Szalewski, fonctionnaire de royaume de Pologne, et l'autre de Madame Podgorska, sa fille, qui a souffert le plus dans cette circonstance. Le Soussigné joint aussi la plainte de M. Fiorentini, Directeur de la Douane, qui concerne le principal auteur de ce grave désordre.

“ Après avoir communiqué les faits susdits au louable Sénat, le Soussigné se flatte que le gouvernement de la ville libre de Cracovie ne manquera point de prendre des mesures immédiates et énergiques, afin que les individus qui ont pris part à la dite violence soient poursuivis, et qu'il s'empresse d'offrir la satisfaction due au Soussigné et aux personnes susmentionnées qui ont recours à sa protection, en infligeant un châtiment exemplaire aux accusés.

“ Le Soussigné attendra avec confiance toute communication que le louable Sénat croira devoir lui faire à ce sujet.

“(Signé) BARON UNGERN STERNBERG.”

The obsequious Senate hastened to execute the orders of the Resident: on the 23rd of August the officer of police was suspended from his functions, and the Attorney-general of Cracow was instructed to move for a severe punishment to be inflicted upon him! This decision the Senate forthwith communicated to the Russian Resident.

On the 13th of October, 1839, a new act of tyranny, levelled at one of the best educational establishments of Cracow, announced to the terrified townspeople what sort of guarantee they possessed either for liberty of person or property. The following decree of the Senate, addressed to M. Krolikowski, the head of the establishment, will tell its own story:—

“ Cracow, 13th October, 1839.

“ The Senate and Government of the free, independent and neutral

state of the town and territory of Cracow, in conformity with the desire of the three most serene Courts, having taken into consideration that the principles of the masters whom M. Krolikowski employs in educating the youths entrusted to his care, do not offer the said courts sufficient guarantee, on account of the part taken by the said masters in the Polish insurrection; considering that the youths in question will be brought up in those principles,—orders that M. Krolikowski's school be shut up, and gives him the present notice thereof."

The unfortunate proprietor further received an order to quit Cracow, and has since found a refuge in France.

Amidst all this desolation and misery, and after so many vain and fruitless appeals to the justice and mercy of the courts miscalled protecting, no other hope of safety was left for Cracow than to throw herself upon the obligations contracted by the other great powers, cosignatories to the Treaty of Vienna. Towards England and France especially the unhappy people turn their eyes, and in full confidence of their rights they have just signed a petition addressed to Her Majesty's Government: in this document, after giving a detailed historical account of the destruction of their independence, founded throughout on official proofs, they demand,—

1. The establishment of a Commission composed of plenipotentiaries of the five Great Powers; to which Commission shall be entrusted the revision of the laws affecting Cracow, in the spirit of the engagements taken by the Powers at the Congress of Vienna.
2. That delegates from Cracow, elected by the Senate, shall be associated in the Commission, whether with or without votes.
3. That measures be adopted to ensure the execution of the stipulations of the Congress of Vienna respecting the commercial intercourse between Cracow and the neighbouring countries, and that some security be devised for the due maintenance of the same in time to come.
4. That after such revision of the fundamental compact no modification of the national institutions shall take place, save in accordance with the spirit of the revision itself, and with the assent and co-operation of the constitutional authorities of the country.
5. That the national authorities which may be appointed be liberated from all foreign influence, and made responsible solely to the laws of the country.

6. That in order to avoid the necessity of such appeals as this for the future, plenipotentiaries be accredited by England and France to the Republic, in order to keep their respective governments well informed as to the state of affairs in the Republic.

The subscribers to this petition quote, and as it seems to us very happily, the following words from the declaration signed at Chaumont by England, Austria, Russia and Prussia:—

"Que l'alliance des monarques les plus puissants de la terre, a pour but de prévenir les envahissemens, qui depuis tant d'années avaient désolé le monde; et afin de fonder une paix générale, qui digne fruit de leur alliance et de leurs victoires, assurerait les droits, l'indépendance, et la liberté de toutes les nations. La justice des gouvernemens qui ont garanti ces maximes tutélaires, pourra être tardive, mais ses résultats s'accompliront tôt ou tard. *Le devoir des Etats faibles et méconnus est de l'invoquer sans cesse, et d'attendre avec confiance et courage.*"

And so, for many years, has the republic of Cracow persisted in doing, with a perseverance worthy of a better fate.

On the 21st of September last a new note of the Conference demanded the immediate prorogation *sine die* of the Diet, yet hardly opened, and possessing scarcely liberty enough to deliberate with closed doors! The present state of things is deplorable in the extreme: misery has reached the highest pitch: the commerce of the state has been ruined by cutting off all communications with the neighbouring countries: an enormous budget, necessary to meet the dictatorial demands of the Conference, exhausts the last resources of the country: a system of terrorism has been pushed to the extreme point, and the records of the tribunals proves it but too well. At this moment four individuals groan under the accusation brought against them by the committee of inquest, as supposed authors of the assassination of a Russian spy named Ceylak. Of two hundred and two individuals arrested as conspirators, one hundred and ten have just been released, twenty-nine are accused of high treason, and sixty-three of sedition! The residence of the senator Scypio, one of the most obsequious to the will of the Residents, has lately been subjected to a domiciliary visit, in consequence of some suspicion entertained of his nephew, who is an inmate of his house. The young man is now arrested on a charge of having communications with people abroad, and possessing pro-

hibited books; and there is every reason to fear that his uncle will be made answerable for him. The chief of the police is an ex-custom-house officer of the Austrian service.

But while all these atrocities have been going on in Cracow, public opinion in Europe has not been altogether unmoved, whenever straggling rumours and isolated facts of oppression escaped the strict guard which tyranny has set against publicity. It was no doubt the peculiar duty of the governments of those two powers who joined with the Three Courts in guaranteeing the independence of Cracow, to protest against a *protectorate* which has annihilated, one by one, every constitutional right of the Free City. In the parliaments both of Great Britain and France the misfortunes of the Republic have been brought forward, and Government has been called upon in both countries to put an end at once to the present state of things by the appointment of diplomatic agents, accredited to the Republic; a means of protection, by the way, which the Republic has a full right to demand on the faith of those treaties by which she was herself called into existence, to which England and France were contracting parties, and among the signatures to which the names of their plenipotentiaries are found. It is not without deep humiliation that we in this country have listened to the words of a secretary of state for foreign affairs, declaring in his place in Parliament (as did Lord Palmerston in 1836) that the mischief done at Cracow is great, that the violation of treaties is flagrant, and that a consular agent shall be despatched thither; and that we now see the same minister shrinking from the fulfilment of his pledge, and incapable of uttering a word in justification of his feeble or fearful policy. Must we recall to Lord Palmerston's recollection the dignified and just terms in which he replied to Sir Stratford Canning, on the 18th of March 1836? His lordship said,—

"I am bound to say that I do not see any sufficient justification of the violent measures which have been adopted towards Cracow, a step which, to say the least, was one of unnecessary violence. . . . a proceeding which bears upon one of the most important diplomatic transactions of the day. It is of as much importance to us to see that the independence of a state like Cracow be not causelessly and wantonly disturbed, as if the case were that of Prussia or any other powerful nation." (*See the Mirror of Parliament, 18th March, 1836.*)

No doubt the preservation of Cracow is a question of profound European importance,—nay, one of the most important of European questions. Her institutions were guaranteed by solemn treaties, and cannot be abrogated, save by common consent of all the contracting parties. To the protecting Powers she was of importance enough to lead them, at the Congress of Vienna, to give her an independent existence, that the balance might not be disturbed between their respective states. To England she both was and is of importance, even in no higher than a commercial point of view; and the interests of England, which have fallen with the destruction of her franchises, would rise with their re-establishment. The annual amount of English imports into Cracow falls not far short of eighty thousand pounds at this moment. And if the importance of Cracow in diplomatic or commercial respects is great to other European powers, what must it be to Poland, who sees in the Republic the last lingering traces of her own vitality, the last vestiges of a Polish nationality, everywhere else trampled down beneath the hoofs of a conqueror?

One of the last important parliamentary demonstrations in favour of Cracow took place exactly a year ago. The French House of Peers, contrary to its usual custom, inserted a paragraph in defence of the rights of the republic, in the address carried in answer to the king's speech: one of the last Foreign Ministers in France, the Duke de Broglie, thought fit to renew the declaration, that the Government of France had protested against the violation of the indestructible rights of Poland and Cracow: that such remonstrances from one cabinet to another are not empty words, or such protests mere waste-paper; that they sanction the complaints of the oppressed and convert them into rights the moment the favourable opportunity occurs; that they authorize the action which, without them, could not be permitted to take place; that they authorize us to refuse what otherwise we should be compelled to grant; and thus, step by step, we recover the lost ground,—seeing that true political wisdom consists in understanding how to proportion means to ends, the sacrifice made to the advantage to be gained, and knowing how to conquer with the least loss of men and money. (*Moniteur*

Universel, Dec. 28th, 1838.) On the 8th of January, 1839, one of the present French Cabinet Ministers made a similar declaration in the Chamber of Deputies. On the 13th of January in the same year, Count Molé, President of the Council, on being warmly pressed, announced to the Chamber of Deputies his firm hope that Cracow would speedily be evacuated; and on the 18th, the ex-president of the Council, M. Thiers, reminded the Chamber of Deputies of the promises made by the Three Courts at the time of the occupation—which was only to last for a few months. Could all this, we now ask, have occurred, had France and England, instead of meagre demonstrations in their own popular assemblies, an accredited organ in the Republic itself,—could their voice be there made known by means of representatives, whom they have a perfect right to send? And let it not be forgotten that Cracow was to enjoy all the privileges of a Free Town; that according to the tenor of the treaties, she was to be even more independent of the Residents, than Frankfort is of the Germanic Confederation: now Frankfort not only has Residents, but has even concluded treaties of commerce, in direct opposition to the wishes of the Prussian Envoy.

On all these grounds we still do and shall continue to insist upon the immediate appointment of an English Resident at Cracow. If in 1836 even Lord Palmerston admitted the necessity of this step, and admitted it so far as to engage himself to make such an appointment, it has become only the more urgent in 1840, when successive encroachments have destroyed almost the last traces of nationality in the republic. Let us hope, for the honour and the material interests of this country, that the Government will not persist in abjuring the solemn rights which England herself has guaranteed; that it will no longer remain a passive spectator of the ruin of Cracow, and that it will send a diplomatic agent to that city. It is high time for us to redress the wrongs which have resulted from our almost total and most culpable ignorance of the situation of affairs in Poland, and which we again assert is mainly owing to our neglect of establishing official channels of communication with Warsaw and Cracow.

THE BRITISH AND FOREIGN REVIEW.

ARTICLE I.

1. *The Canton Register.* 1839.
2. *The Canton Press.* 1839.
3. *Address of British Merchants trading at Canton to the Right Honourable Lord Viscount Palmerston, Secretary of State for Foreign Affairs.* Canton, 23rd May, 1839.
4. *The Iniquities of the Opium Trade with China; being a developement of the main causes which exclude the Merchants of Great Britain from the advantages of an unrestricted Commercial Intercourse with that vast Empire.* By the Rev. A. S. THELWALL, M.A., of Trinity College, Cambridge. London: W. H. Allen and Co., Leadenhall-street. 1839.
5. *The Opium Question.* By SAMUEL WARREN, Esq., F.R.S., of the Inner Temple, Barrister-at-Law. London: James Ridgway, Piccadilly. 1840.
6. *The Chinese Vindicated, or Another View of the Opium Question; being in reply to a pamphlet,* by Samuel Warren, Esq., F.R.S., &c. By CAPTAIN T. H. BULLOCK, H. M. the Nizam's Army. London: W. H. Allen and Co. Leadenhall-street. 1840.

THE commercial relations of Great Britain with China (for political relations she cannot be said to have any) are of so anomalous a kind, that, before entering upon the more immediate subject of this article, it will be necessary to make a few preliminary observations respecting them.

In all other parts of the globe to which the spirit of commercial adventure has led us, finding nations or tribes of men in all degrees of civilization, one of two things has happened. We have either gone on trading with them till, some quarrel having arisen, our superior knowledge has enabled us easily to subdue them; or, finding them in a stage of civilization equal to, or not far short of our own, we have continued the commercial intercourse, regulated by certain rules recognised by a considerable portion of the nations of the earth which style themselves civilized. The former of these events has happened in the case of the nations of India, as well as of some African and American tribes; the latter, in the case of the European nations, and some of those of Asia and Africa which border on the Mediterranean. The case of the Chinese differs essentially from all these.

Our first intercourse with China dates as far back as the year 1637, only about twenty years later than that with India. It is unnecessary to trace, step by step, its history from that time to this. It will be sufficient to state the result, viz. that in those two hundred years we have rendered ourselves in India sovereigns of a country containing a population equal to more than half that of all Europe; while in China we have not acquired a foot of territory, the acknowledgment of a single commercial relation on a footing of equality, nor the privilege of being viewed in any other light, or treated on any other footing by the government and people of the self-styled Celestial Empire, than as a pack of intrusive, mean, pedling, pettifogging barbarians. We do not use these terms rhetorically or for the purpose of calling up feelings of animosity towards the Chinese; to do so is not our object, as will sufficiently appear in the sequel. But we use them simply because they indicate a fact—and a fact which, with other facts, it is necessary to know, in order to understand the various bearings of the question which we are about to discuss.

It is very important towards arriving at right conclusions on this question, to form, as far as possible, correct notions respecting the condition of the people with whom we have to deal. The tendency is at present in this country rather to underrate the Chinese; the Jesuit missionaries who furnish-

ed the early accounts of them greatly overrated them ; and, as is usually the effect of a reaction,—because they and those who followed their accounts ascribed to the Chinese a very high degree of civilization, of advancement in wealth and power, and the sciences and the arts which tend to humanize life,—succeeding generations have gone to the opposite extreme, and have pictured to themselves the Chinese as a horde of miserable barbarians. This view is perhaps as far from the truth as the other.

We are not concerned to know for our present purpose what may be the particular attainments of the Chinese in literature and science ; our business is with their social and political condition ; to know, namely, whether that is sufficiently bad to warrant any interference on the part of the British Government with the view of improving it ; for this after all is the question. There is no doubt but we could very much incommode the Chinese by blockading their coasts ; that we could bombard some of their towns, demolish their forts, and destroy their shipping (such as it is) ; nay, that we could even march to Peking, and reduce it to a heap of ruins. But *cui bono* ? is the question that immediately arises. What should we get by it except a certain loss of ready money, and a contingent loss of many things besides ? Moreover, are we prepared to undertake, in addition to the hundred millions of our Indian subjects, the government of some three hundred millions of human beings, who now obey the Chinese Emperor, in such manner as to ensure them a larger portion of happiness than they now enjoy under the rule of his Celestial Majesty ? Among the Chinese, though the standards of enjoyment and knowledge may be, according to our notions, not very high, yet the means of both enjoyment and information, such as they are, are perhaps more equally distributed than among any people on the face of the earth. They are a most industrious people ; and, what is particularly worth noticing, they are cheerful and happy in their industry. These facts, if they can be substantiated, are so important, that it seems worth while to adduce the best testimony that can be procured in regard to them. We therefore make the following extracts from Mr. Davis's work, which, from the long residence of the author in China, and his

more than ordinary opportunities of acquiring information, is admitted by competent judges to be one of the most trustworthy that have yet appeared on this subject.

"The great wealth of the empire, the cheerful and indefatigable industry of the people, and their unconquerable attachment to their country, are all of them circumstances which prove that, if the Government is jealous in guarding its rights, it is not altogether ignorant or unmindful of its duties. We are no unqualified admirers of the Chinese system, but would willingly explain, if possible, some of the causes which tend to the production of results whose existence nobody pretends to deny. In practice there is of course a great deal of inevitable abuse; but upon the whole, and with relation to ultimate effects, the machine works well,—and, we repeat, that the surest proofs of this are apparent on the very face of the most cheerfully industrious and orderly, and the most wealthy nation of Asia. It may be observed that we make great account of the circumstance of cheerful industry, because this characteristic, which is the first to strike all visitors of China, is the best proof in the world that the people possess their full share of the results of their own labour. Men do not toil either willingly or effectively for hard masters.

"It would be a very rash conclusion to form any estimate of the insecurity of property generally from what is observed at Canton among those connected with the foreign trade, and especially the Hong merchants. These persons are instruments in the hands of a cautious government, which, not wishing to come into immediate collision with foreigners, uses them in the manner of a sponge, that, after being allowed to absorb the gains of a licensed monopoly, is made regularly to yield up its contents, by what is very correctly termed 'squeezing.' The rulers of China consider foreigners fair game: they have no sympathy with them, and, what is more, they diligently and systematically labour to destroy all sympathy on the part of their subjects, by representing the strangers to them in every light that is the most contemptible and odious. There is an annual edict or proclamation displayed at Canton at the commencement of the commercial season, accusing the foreigners of the most horrible practices, and desiring the people to have as little to say to them as possible. We have already seen that the professed rule is to govern them 'like beasts,' and not as the subjects of the empire. With perfect consistency, therefore, they are denied the equal benefits and protections of the known laws of the country, condemned to death for accidental homicide, and executed without the Emperor's warrant. These are their real subjects of complaint in China; and whenever the accumulation of wrong shall have proved, by exact calculation, that it is more profitable, according to merely commercial principles, to remonstrate than to submit, these will form a righteous and equitable ground of quarrel.

"But, to return to the Hong merchants and others at Canton, there is in fact a set of laws existing under this jealous Tartar Government which makes all transactions of Chinese with foreigners, without an express licence, traitorous—that is the word,—and it forms a terrible engine of ex-

tortion ; for the construction of the terms of the licence, as well as of the particular regulations from time to time enacted, opens a wide field for injustice under the forms of law."

This last sentence deserves to be noted, as showing that while our intercourse with China remains on its present footing, we can never tell with certainty what articles are contraband and what are not. Mr. Davis thus proceeds :

" This is the only solution of the anomaly, that at Canton, in a country where there is a written code, with numerous provisions against extortion and oppression, and with severe denunciations against the abuse of power, there should still be so much of the evil apparently existing. But it is the foreigner that pays after all ; the Hong merchants are the *véritables vaches à lait*, the real milch cows ; but the foreign trade is the pasture in which they range. One of the ablest of their body many years since obtained the express authority of the local government for the Consou, or body of Hong merchants, to levy charges at its own discretion on the foreign trade, for the avowed purpose of paying the demands of the mandarins. Other annual charges were levied to defray debts of individual merchants to foreigners, and, the debts being liquidated, the charges are continued. But for these abuses, the fair trade of Canton would be much more profitable than it is ; and, if they increase, it will die a natural death."

" There are some curious practical anomalies, which one is not prepared to find under a despotism. The people sometimes hold public meetings by advertisement, for the express purpose of addressing the magistrate, and this without being punished. The influence of public opinion seems indicated by this practice, together with that frequent custom of placarding and lampooning (though of course anonymously) obnoxious officers*. Honours are rendered to a just magistrate, and addresses pre-

* As a specimen of this, we extract from the *Canton Register* of the 8th January, 1839, the following free translation of a pasquinade posted at the governor's gate :—

" O'er th' impoverished but broad Eastern land,
Our venerable Tang holds chief command ;
His favours fall on those who seizures make,
Yet in the daring game he holds a stake.
Four cruising boats his son and comrades keep
To scour the waters of the inner deep^a ;
And in his halls, having heaped an untold store
Of gold, unsatiated still he craves for more ;
While dice and women all his hours employ,
Still the fond father censures not the boy^b.
O blind to reason ! no distinctions seen,
The good must bow to tyrants and the mean :
But leagued oppression will resistance cause,
And men's indignant hearts assert the laws."

^a These boats were kept for the purpose of smuggling opium. What were foreigners to think of the reality of a law against opium which was thus openly broken by the governor of Canton ?

^b The governor employed his son to superintend his smuggling boats.

sented to him on his departure by the people ; testimonies which are highly valued.

" It is deserving of remark, that the general prosperity and peace of China has been very much promoted by the diffusion of intelligence and education through the lower classes. Among the countless millions that constitute the empire, almost every man can read and write sufficiently for the ordinary purposes of life, and a respectable share of these acquirements goes low down in the scale of society. Of the sixteen discourses which are periodically read to the people, the eighth inculcates the necessity of a general acquaintance with the penal laws, which are printed purposely in a cheap shape. They argue, that as men cannot properly be punished for what they do not know, so likewise they will be less liable to incur the penalty if they are made duly acquainted with the prohibition.

" The Chinese have lived so much in peace that they have acquired by habit and education a more than common horror of political disorder. ' Better be a dog in peace, than a man in anarchy,' is a common maxim. ' It is a general rule,' they say, ' that the worst of men are fondest of change and commotion, hoping that they may thereby benefit themselves ; but by adherence to a steady, quiet system, affairs proceed without confusion, and bad men have nothing to gain.' They are, in short, a nation of incurable conservatives. At the same time that only check of Asiatic despotism—the endurance of the people—appears from their history to have exercised a salutary influence. The first Emperor of the Ming family observed, ' the bowstring drawn violently will break ; the people pressed hard will rebel.' Another sovereign observed to his heir, ' You see that the boat in which we sit is supported by the water, which, at the same time, is able if roused, to overwhelm it ; remember that the water represents the people, and the Emperor only the boat.' *Amidst all the internal revolutions of China, it is deserving of remark that no single instance has ever occurred of an attempt to change the form of that pure monarchy which is founded in, or derived from, patriarchal authority.** The only object has been, in most cases, the destruction of a tyrant ; or, when the country was divided into several states, the acquisition of universal power by the head of one of them.

" The Chinese show much respect to age ; but their regard for age, even, is secondary to their respect for learning. ' In learning,' says their maxim, ' age and youth go for nothing ; the best informed takes the precedence.' The chief source of rank and consideration in China is certainly cultivated talent.

" Wealth alone, though it has of course some necessary influence, is looked upon with less respect, comparatively, than perhaps in any other country ; and this because all distinction and rank arise almost entirely from educated talent. The choice of official persons, who form the real aristocracy of the country, is guided, with a very few exceptions, by the possession of those qualities, and the country is therefore as ably ruled as it could be under the circumstances.—' Les lettrés,' observed a correspond-

* We have marked this by Italics, because it is important with reference to the future.

ent of ours from Pekin, 'ainsi honorés par les Hân, ont acquis un grand ascendant sur le peuple; la politique s'en est emparé dans toutes les dynasties, et c'est sans doute à cette réunion des esprits que la Chine doit son bonheur, sa paix, et sa prospérité.'—The official aristocracy, content with their solid rank and power, aim at no external display; on the contrary, a certain affectation, on their part, of patriarchal simplicity operates as a sumptuary law, and gives a corresponding tone to the habits of the people. We are bound to admit that some evil results from this; superfluous wealth, in the hands of the vulgar possessors of it, is driven to find a vent occasionally in the gratifications of private sensuality.

Independently altogether of political considerations—that is, of the policy or expediency of the measure, any civilized nation that should attempt, by conquest, to disturb this state of things would evidently incur a very awful moral responsibility. At the same time there are certain features in the Chinese system with regard to foreigners, some of which are slightly touched upon in one of the above extracts, that deserve (indeed, the time seems now to have arrived when they imperatively demand) the most serious and grave consideration.

"The fundamental maxim of Chinese intercourse with foreigners has been accurately translated by Père Premare as follows, and it is quite sufficient to explain their conduct. 'Barbari haud secus ac pecora non eodem modo regendi sunt ut reguntur Sine. Si quis vellet eos magnis sapientia legibus instruere, nihil aliud quam summam perturbationem induceret. Antiqui reges istud optimè callebant, et ideo barbaros non regendo regabant. Sic autem eos non regendo regere, præclara eos optimè regendi ars est.' That is, 'The barbarians are like beasts, and not to be ruled on the same principles as citizens. Were any one to attempt controlling them by the great maxims of reason, it would tend to nothing but confusion. The ancient kings well understood this, and accordingly ruled barbarians by misrule. Therefore, to rule barbarians by misrule is the true and the best way of ruling them.' It is on this principle that all the benefits of Chinese law are denied to strangers, and that, in the case of even accidental homicide, they are required to be delivered up, not for trial, but execution. The mischiefs of such a system are obvious, and it is in consequence of this that acts of atrocious violence, on the part of foreigners, committed by them under the plea of doing themselves right, have been attempted to be justified, though coming strictly under the definitions of piracy, murder, or arson, which, under a more vigorous government, would have rendered them the property of the public executioner*."

The conduct of the Chinese to Europeans is what might be expected from such premises.

* Davis's Chinese, vol. i. p. 60.

"The natural consequence is, that their conduct to Europeans is very different to their conduct among themselves. Except when under the influence of either interest or of fear, they are often haughty and insolent to strangers, as well as fraudulent; and such is the effect of opinion among them, that, even in cases where interest may persuade them to servility, this will not be exhibited in the presence of a countryman. A beggar has often been seen, who, though he would bend his knee very readily to European passengers when unobserved, refrained altogether from it while Chinese were passing by. It was some time before the very coolies, the lowest class of servants, would condescend to carry a lantern before a European at night; and still longer before they could be induced, by any wages, to convey him in a sedan even at Macao, where it is permitted. Is it surprising, then, that they should reconcile it, without much difficulty, to their feelings to overreach and ill-use, occasionally, these creatures of an inferior rank, who, as their government phrases it, come to benefit by 'the transforming influence of Chinese civilization;' or, rather, is it not very surprising that so general a course of honesty and good faith, and so many instances of kindness and generosity even, should have been experienced in their intercourse with us?

"A true calculation of their own interest makes most of the merchants of that place sufficiently scrupulous in their commercial engagements; but on all other points 'the foreign devil,' as they call him, is fair game. Many a Chinese of Canton, in his intercourse with a stranger, would seem occasionally to have an abstract love of falsehood and trickery, independently of anything that he can gain by it; and he will appear sometimes to volunteer a lie, when it would be just the same to him to tell the truth. Mr. Barrow has attributed their national insincerity to a motive which no doubt operates with the higher classes, as much as an ignorant contempt, and a mischievous malignity, do with the rabble. 'As a direct refusal,' he observes, 'to any request would betray a want of good breeding, every proposal finds their immediate acquiescence: they promise without hesitation, but generally disappoint by the invention of some slight pretence or plausible objection: they have no proper sense of the obligations of truth.' *This renders all negotiations with them on public matters almost entirely fruitless, as no reliance whatever can be placed on them for the fulfilment of engagements. They dispense with faith towards foreigners in a manner truly Machiavellian.*

"There is a positive law against the use of things not sanctioned by custom; partly therefore from fear, partly from conceit, they are very little inclined to adopt foreign modes, or purchase foreign manufactures. Raw produce, or the materials of manufactures, find a better market among them; but the most marketable commodity of all are dollars. Indisputably superior as Europe is in science, and in the productions of science, yet to a Chinese, who sees few things brought from thence that really suit his peculiar and conventional wants, or that are in conformity with the usages enjoined by the ritual,—and who, until lately, heard little of the different states into which Europe is divided, but the indistinct rumour of their endless wars and massacres on a large scale,—it is not surprising

if no very elevated picture presented itself, in comparison with his own immense and wealthy country, its hundreds of millions of industrious and intelligent people, and an uninterrupted peace of nearly 200 years, even if we go no farther than the Tartar invasion.

"The Chinese frequently get the better of Europeans, in a discussion, by imperturbable coolness and gravity. It is part of their policy to gain the advantage by letting their opponent work himself into a passion, and place himself in the wrong; hence the more than ordinary necessity of carefully preserving the temper with them. Gravity of demeanour is much affected, particularly by magistrates and persons of rank; it is styled *choong*, literally heavy, or grave (which in its origin means the same), in contradistinction to *king*, light, or levity.

"It is the discipline to which they are subject from earliest childhood, and the habit of controlling their ruder passions, that render crimes of violence so unfrequent among them. Robbery is very seldom accompanied by murder. Under real or supposed injury, however, they are sometimes found to be very revengeful, and on such occasions not at all scrupulous as to how they accomplish their purpose. Women will sometimes hang or drown themselves, merely to bring those with whom they have quarreled into trouble. The people, quiet and submissive as they are, will, when once roused by intolerable oppression, rise *en masse* against a magistrate, and destroy him if they can. In such a case, should the obnoxious governor escape the vengeance of the populace, he seldom meets with any mercy at Peking, where revolts prove serious occurrences to those under whom they take place*."

We add in corroboration of this an extract from the speech of Mr. William Jardine, at a public dinner given to him on the occasion of his departure for Europe, as we find it reported in the *Canton Register* of the 29th January, 1839:—

"I have been a long time in this country, and I have a few words to say in its favour; here we find our persons more efficiently protected by laws than in many other parts of the East or of the world; in China, a foreigner can go to sleep, with his windows open, without being in dread of either his life or property, which are well guarded by a most watchful and excellent police; but both are periled with little or no protection in many other states; business is conducted with unexampled facility, and in general with singular good faith; though there are, of course, occasional exceptions that but more strikingly bear out my assertion. Neither would I omit the general courtesy of the Chinese in all their intercourse and transactions with foreigners; these, and some other considerations, are the reasons that so many of us so oft re-visit this country, and stay in it so long."

The following translation of a Chinese document, which we extract from No. 21, Vol. xii. of the *Canton Register*

* Davis's Chinese, vol. i. p. 253, *et seq.*

(May 21st, 1839), gives a curious though somewhat ludicrous view of a Chinese's notion of the foreigners trading at Canton:—

“ ‘There are three nations of the outside Foreigners, trading at Canton, who store up and sell opium; namely:—The English, otherwise called ‘The red-bristled.’

“ ‘India is that dependency of the ‘red-bristled’ nation where opium is produced: the people (Parsees) are vulgarly called ‘white-headed devils.’

“ ‘The American, otherwise called the ‘Flower flag’ nation, buy their opium from India.

“ ‘Those nations trading at Canton which do not sell opium are the following: France, Holland, and Spain. The above three nations now come and trade at Canton.

“ ‘Denmark, otherwise called—‘The Great Yellow Flag;’ Sweden, otherwise called—‘The Little Yellow Flag.’ These two nations have not traded with China for a long time.

“ ‘Austria; traded hither in the first year of Taoukwang.—Prussia; traded hither in the eighth year of Taoukwang.—Hamburgh; traded hither in the third year of Taoukwang. *Alin* (?) traded hither in the fourth year of Taoukwang. A report was made respecting this country (*Alin*?) which is on record, and since then its merchants have not been allowed to frequent our market.

“ ‘Russia; ships of this nation came to Canton in the 19th year, but were not allowed to trade.’

Then the name of one foreigner is quoted as not being a seller of opium, and with high praise in relation with other matters. We do not give this gentleman's name, as he is well known to the foreign community as being a notorious opium dealer.

‘The names of Foreigners who sell opium.’ These names we decline translating, as in so doing we shall not give any new information to our readers.

“ ‘The Foreign gentlemen who have studied the literature of *Tong*, and who understand the speech, and can write the characters of *Tong*, are three; namely: Young Morrison. This man is very dangerous. He is secretary to Elliot.

“ ‘Thom. This is a surpassing good and useful man, and all the Foreigners listen to his words.

“ ‘Fearon. This is a very good man, scarcely twenty years old. On account of his youth this Foreigner is prevented from engaging in trade.

“ ‘The Foreign store ships large and small, do not only belong to the ‘red bristled,’ or English; many of them are country ships from India; the next in degree are the Americans.

“ ‘Some of them carry ports on two, some on three, decks. Generally speaking on each deck are seven or eight guns mounted on each side. The smaller vessels carrying ports on one deck, have their guns on their

upper, or only deck, and their number does not exceed five or six. The guns are generally of copper; the largest weighing from two to three thousand, the next in size between one and two thousand, and the smallest near a thousand catties. There are not any guns on the fore-castle, but on the taffrail there are some copper swivels.

"All these ships, without distinction of nations, store up and sell opium; when they have sold their opium they proceed to Whampoa, load with goods, and return home.

"Each of these ships carries three masts, and they all have flags. The English hoist a white banner, at the upper part of which thin red cross lines are drawn (St. George's ensign). The country ships hoist the English flag. The 'flower flag' (nation) hoist a red flag, on which is drawn the *Pih-mei-fa* (the flower of the Prune: i. e. the Stars and stripes). When they are not under weigh they do not hoist their flags.' "

We have made these extracts the more full, that we may not appear to present a one-sided view of the subject, and because we do not wish to draw a conclusion from the unfavourable, keeping out of view the favourable side of the Chinese character. But upon the whole the evidence on the subject would seem to warrant the conclusion that there would be no use whatever in sending any more embassies or conciliatory missions to the Chinese court. Let us now look at what further light may have been thrown upon the question by the late events.

The importation of opium into China was at one time permitted on payment of a duty. This permission, however, was discontinued in 1796, since which time the Imperial Government of Peking has steadily prohibited it. The effects of this prohibition have so far differed from those of similar prohibitions among the civilized nations of the globe, that not only have the Chinese people continued to indulge largely in the use of the article prohibited, but the prohibitory laws have never been observed by the functionaries of the Chinese Empire, who have taken their fees as regularly upon the article imported as if those fees had been to go into the Emperor's coffers in the shape of legal duties. The Peking Government may appear indeed to have been desirous to discourage its importation; but the Provincial Government long connived at it. Previously to 1837 fees to the inferior mandarins* at Lintin, who ought to have prevented its introduction, were

* It is continually asserted that the heads of the departments of the Provincial Government were bribed to connive at the opium trade, but it would be difficult to prove it.

paid on every individual chest. A person was deputed by them to receive, on board the store-ships at Lintin, a statement of the number of chests delivered, and fees on them at a certain rate. These facts are admitted in the edict of the Imperial Commissioner, bearing date the 18th March last, in which that high functionary states, "that the prohibitions formerly enacted by the Celestial Court against opium were comparatively lax," and that "the foreigners are men from distant lands, and have not before been aware that the prohibition of opium is so severe."

The Celestial Court, in the various edicts which it has of late issued against the importation and use of opium, assigns two principal causes of its hostility to the drug; 1st, its tendency to demoralize the people; 2nd, the drain of silver out of the country caused by its importation. We have been informed by gentlemen who have resided long in China, and possessed more than ordinary opportunities of information, that the second is the substantial reason which acts upon the Chinese Government.

The "Statement of Trade in British vessels at Canton, from 1st July, 1837, to 30th June, 1838," issued by order of the Committee of the "General Chamber of Commerce" of Canton, furnishes us with the following results:—

IMPORTS.		EXPORTS.	
	Value in Spanish Dollars.		Value in Spanish Dollars.
Opium . . .	13,554,030	Tea	9,317,992
Other articles .	11,231,432	Other articles .	12,696,708
	<hr/> 24,785,462		<hr/> 22,014,700
		Balance	2,770,762
			<hr/> 24,785,462

This balance of the trade is paid to us in silver, and *hinc illic lachrymæ*. It is smaller in the year given above than in some preceding years.

About the commencement of the year 1839, the Celestial Court showed symptoms of more vigorously setting about the suppression of the opium trade. The following extract from the *Peking Gazette* of 21st January, 1839, indicates the Celestial intention of making root-and-branch work with it:—

" *Peking Gazette*.—Canton, 12th moon, 7th day. (21st January, 1839.)

" The following fire express has arrived from the military board.

" ' Taoukwang, 18th year, 11th moon, 15th day, (31st Dec. 1838).

The imperial edict has been received. I order *Lin Tsihtseuen*, the governor of *Hookwang*, immediately to proceed post-haste to Kwangtung, to investigate and direct the affairs of the sea-ports of that province. I invest him with the power and seals of an imperial envoy; whoever is the admiral in the said province, he and his subordinates are to put themselves under his orders.—*Respect this.*'

" On the same day a despatch was received from the privy council, addressed to *Tung* the governor, and *E*, the lieutenant-governor (as follows).

" ' On the 18th day of the 11th moon, (3d Jan. 1839,) the imperial will was received.

" ' I, the Emperor, on account of the daily increase of that flowing filth, opium, and the great increase in the amount of sycee going abroad, have especially appointed *Lin Tsihtseuen*, the governor of *Hookwang*, to proceed post-haste to Canton, there to investigate and manage the affairs of the sea-ports, &c.

" ' The said governor, after he has received the orders, must scrub and wash away the filth, and really exerting himself, must examine and manage according to the old regulations; he must not indulge himself with hopes of shifting the affair from him; and still further, he must not think of sitting still and looking on (whilst *Lin* manages the business).

" ' The practice *must be stopped*, that the affairs and mind of me, the Emperor, may be assisted. The said governor holds the rule over the lands of the two *Yue*; the duties of his government are multifarious, and I apprehend he is not capable* of devoting his whole mind to the management of the opium question. I have, therefore, especially deputed *Lin* to Canton, for the sole management of this affair; that he may cut up the evil by the roots, and remove calamities from the people.

" ' The management of this affair is really the duty of the said governor, in which he should exert his utmost energy. Let he and *Lin* consult together and deliberate on the plan of operations, assembling all the superior officers, and then send up a duly prepared report. You, ministers, should understand my imperial will, and unite to exclude this great national evil.—Let these orders be generally made known.—*Respect this.*' "

We extract from a proclamation "to the foreigners of every country," issued immediately after the receipt of the foregoing mandate, by "*Tung*, governor of the two *Kwang* provinces, &c., and *Ee*, Fooyuen of Kwantung," &c., the following passage, as further showing the light in which the Celestial Court views all the other nations and governments of the earth:—

* It was not likely that he should be, seeing he was himself the greatest opium smuggler in Canton. See ante, p. 345.

“ But if from first to last ye obstinately adhere to your stupidity and awake not; if ye will still be guided by the principles of greediness and avarice, then it is ye who by your own act put yourselves beyond the protection of the laws! We, the governor and Fooyuen, have no need to be thus worrying ourselves and spending our strength in vain, constantly adopting preventive measures against you, and apprehending our own people. We have only to memorialize the Emperor that he shut up the port, and stop the foreign trade for ever! After the port shall have been shut up, no matter whether ye may bring opium or not, the tea and rhubarb of the inner land will not be permitted to leave the country: and thus may we instantly hold the life of every foreigner at our command!

“ We find, moreover, that the respective kings of all these different countries have been hitherto obedient and submissive; and further, that the laws which govern you foreigners are rigorous in the extreme. It is to be presumed that when your supplies of tea and rhubarb are cut off, an inquiry will take place as to the way in which this has been brought about: and thus, oh! ye foreigners!—though ye may escape the net of our laws, yet ye may find it difficult to escape the net of your own!”

On the 10th of March, Lin, the imperial commissioner, arrived in Canton, accompanied by seven officers, among whom was a former judge of Canton, named *Yaou*. He visited the governor and Fooyuen, and then immediately sent for the Hong merchants, and desired them to produce Fung Ying and Chin Keuen, the first formerly an extensive opium-broker, the last a well-known China-street merchant, known latterly as a dealer in silk and drug. They both concealed themselves. On the 11th he was reported to have gone to the hoppo's (chief commissioner or collector of customs) office, and examined the records; and afterwards to the Boguc in Macao.

On the 18th of March, Lin issued a proclamation to foreigners, which, as being both important and curious, we give entire:—

“ * Lin, a high officer of the Chinese empire, now specially appointed an imperial envoy, a president of the board of war, and viceroy of Hoo Kwang, hereby proclaims to the foreigners of every nation, that they may thoroughly know and understand.

“ * Whereas ye, the said foreigners, coming to Canton to trade, have usually reaped immense profits; therefore it is that your ships, which in former years amounted annually to no more than several tens, now exceed a hundred and several tens, which arrive here every year. Your import-goods, no matter what they be, with us find a consumption; and respecting the cargo which you may wish to purchase in return, there is nothing in which you may not adventure. I would like to ask you if in the wide earth un-

der heaven you can find such another profit-yielding market as this is? Our great Chinese Emperor views all mankind with equal benevolence, and therefore it is that he has thus graciously permitted you to trade, and become, as it were, steeped to the lips in gain. If this port of Canton, however, were to be shut against you, how could you scheme to reap profit more? Moreover, our tea and rhubarb are articles which ye foreigners from afar cannot preserve your lives without; yet year by year we allow you to export both beyond seas, without the slightest feeling of grudge on our part: never was imperial goodness greater than this!

“ Now, if ye foreigners had a proper sense of gratitude for this extraordinary goodness, ye would hold the laws in dread; and while ye sought to profit yourselves, ye would abstain from injuring other men. But how happens it on the contrary that ye take your uneatable opium and bring it to our central land, chousing people out of their substance, and involving their very lives in destruction? I find that by means of this noxious article, you have been fraudulently imposing upon the Chinese people now upwards of several tens of years, during which time the unjust wealth ye have reaped exceeds all calculation: this is a circumstance sufficient to rouse the general indignation of mankind, and which the laws of heaven can with difficulty scarce pardon.

“ Formerly the prohibitions of our empire might still be considered indulgent, and therefore it was that from all our ports the sycee leaked out as the opium rushed in: now, however, the great Emperor, on hearing of it, actually quivers with indignation, and before he will stay his hand the evil must be completely and entirely done away with.

“ Respecting our own subjects, he who opens an opium shop, or who sells opium, is immediately put to death; and it is also in agitation whether or not to the mere smoker may not be accorded the extreme penalty of the law; and ye foreigners who come to our central land to reside ought in reason to submit to our statutes, as do the natives of China themselves.

“ Now I, the said imperial envoy, reside in Fokien on the borders of the sea, and thoroughly understand all the arts and ingenious devices of you foreigners in all their bearings; so it is I have to thank the great Emperor for thus specially appointing me as an officer, who has frequently distinguished himself by meritorious actions, to be a special commissioner for reducing to order these distant districts, and for taking measures with irresponsible authority to prevent the further influx of opium. Were I to go back and sit in judgment on your reiterated crimes as relates to the selling of opium,—then indeed to spare you would be impossible; but, remembering that ye are foreigners from afar, and that hitherto ye may not have known that our laws are so severe, I now clearly expound the statute to you, not bearing to slay you without previous instructive warning.

“ I find that ye have now anchored at Lintin and other places, many store-ships, in which are several tens of thousands of chests of opium. Your intention is to dispose of them clandestinely, but ye remember not how strict we are in making captures at this port; how, then, will ye find people who will convey it for you any more?—And seizures being made with equal severity throughout every province of the empire, what other

place have ye where ye dare to sell it off? *This* time opium is indeed prohibited and cannot circulate; every man knows that it is a deadly poison; why then should ye heap it up in your foreign store-ships, and keep them there long anchored on the great sea; not only thereby wasting much money by their heavy expenses, but exposing them to the chance of storms, of fire, and other accidents which no man can foresee?

“I therefore uniting all these circumstances now issue this my edict, and when it reaches the said foreigners let them immediately and with due respect in conformity thereto, take all the opium in these said store-ships, and deliver it up to the officers of government; and allow the hong merchants to examine clearly, which man by name gives up so many chests; the total weight, so many carties and taels; and let (the hong merchants) make out a distinct list to that effect, and hand it up to the officers to be checked; that these officers may openly take possession of the whole, and have it burned and destroyed so as to cut off its power of doing mischief; a single atom must not be hidden or concealed; and at one and the same time let a duly prepared bond be drawn up, written in the Chinese and foreign character, stating clearly that the ships afterwards to arrive here shall never to all eternity dare to bring any opium: should any ship after this bring it, then her whole cargo on board is to be confiscated and her people put to death; and that they will willingly undergo it as the penalty of their crime: all this to be stated clearly in the said bond.

“I have heard it said, that in the ordinary transactions of life, ye, the said foreigners, attach a great deal of importance to the word “good faith.” If, then, you will readily do as I am commanding you, i. e. take that opium which has already come, and deliver every atom of it up to the officers of government, and in relation to that opium not yet arrived, prevent it from ever coming here, and this will show that you really can feel contrition for your crime, and fear the laws of the land: this, then, may spare your previous iniquities being raked up and brought against you. I, the imperial commissioner, will then forthwith consult with the governor and foyuen that we may conjointly memorialize the great Emperor, that he may grant you extraordinary indulgence, and that he not only forgive you your previous sins, but that he may also bestow upon you some proof of his favour, so as to testify his approbation of your contrition and repentance; and after this your trade may go on the same as ever. Thus not losing by being good foreigners, and by means of an honourable traffic attaining to riches and honours, can anything be more respectable than this?—But if, on the other hand, you obstinately adhere to your folly, and will not awake, if you think to borrow excuses to carry on your smuggling, or if you use the name of some sailor or other to bring it, and say that it does not concern you, or if you craftily say that you are going to take it to another country, or throw it into the sea, or if you wish to seize an opportunity for going to another province to sell it, or if you hope to stifle inquiry by giving up to the mandarins one or two chests out of ten; then all such procedures show that you have in your hearts a desire to oppose the laws, and to remain firmly wedded to your wickedness, without prospect of change; then I say that altho’ it is the maxim of our Chinese empire to treat

with great kindness and tenderness the men from afar, yet can we not suffer them to treat us with scorn and contempt; but shall immediately in conformity with the new statute punish them with the utmost severity, as we do our own people.

“ Upon this occasion I, the imperial commissioner, being at Peking, in my own person received the Emperor's commands; the law when once uttered must be put in force! moreover, having brought with me these orders and this great irresponsible authority for prevention, they must be executed to the benefit of public business, and may not be compared with that careless examination and mode of acting that belong to ordinary matters. If the stream of opium cannot be cut off, I cannot return from this, I am sworn to have the same beginning and end (*Anglice* to stand or fall) by the opium question. There is no such thing as suspending my labors in the middle. Moreover, I find that the indignation of the people of the inner land is almost to a man roused against you; and if ye foreigners will not reform and repent, if profit continues to be your sole object; then it is not only with the majesty of our troops and the abundance of our forces by land and water that we may sweep you off, but we have merely to call upon the common people of the land to rise, and these would be more than sufficient utterly to annihilate you. Further, we should, as a temporary expedient, close the ships' holds, and as a final one shut up the port; and what difficulty would there be in cutting off your commerce for ever? Our Chinese empire covers many tens of thousands of miles in extent, every sort of produce is there heaped up and running over, we have no occasion to borrow anything from you foreigners; but I fear that were we to stop the intercourse, the plans for doing business (and obtaining profit) of every one of your countries would at that moment come to an end! Ye foreign traders, who have come from distant countries, how is it that you have not yet found out the difference between the pains of toil and the sweets of ease? the great distance betwixt the power of the few and the power of the many?

“ In reference to these vagabond foreigners who reside in the foreign hong's and are in the habit of selling opium, I already know their names full well; and those good foreigners who do not deal in opium, I am no less acquainted with them also. Those who can point out the vagabond foreigners and compel them to deliver up their opium, those who first step forward and give the bond before spoken of, these are the good foreigners, and I, the imperial envoy, will speedily bestow upon them some distinguishing mark of my approbation. Woe and happiness, disgrace or honour are in your hands! It is ye yourselves who select for yourselves.

“ I have now ordered the hong merchants to go to your factories, and explain the matter to you; and I have limited three days within which they must let me have a reply, and at the same time produce the duly-prepared bond afore-mentioned.

“ Wait till I have consulted the viceroy and sooyuen, when we shall clearly proclaim the time within which the opium must be delivered up.

“ Do not indulge in idle delay and expectation, which will only lead to a

vain repentance. A special edict.—Taoukwang, 19th year, 2nd moon, 4th day.—18th March, 1839.*

At the same time Lin issued an edict to the hong merchants, in which, amid a long catalogue of the offences of the said merchants, he dwells much upon the exportation of silver:—

“‘Did the foreigners,’ he says, ‘really barter goods for goods, what silver would there be for them to carry away? But more than this, the hong merchants once represented that each year, in addition to the interchange of commodities by barter, the foreigners require always to bring into the inner land foreign money to the amount of four or five millions of dollars. Were this really the case, how comes it that of late years the foreign ships have brought into the port no new foreign money, and that the foreign silver existing in the country has daily been diminishing in quantity? And how happens it, that among the hong merchants there have been bankrupts whose debts to foreigners have exceeded a million of money? It is clear that these four words ‘goods bartered for goods,’ are totally and altogether false.’”

The edict concludes in the following threatening terms:—

“‘These commands are now given to the hong merchants, that they may convey them to the foreign factories, and plainly make them known. It is imperative on them to act with energy and loftiness of tone, and to unite in enjoining these commands. Three days are prescribed, within which they must obtain the required bonds, and report in reply hereto. If it be found that this matter cannot at once be arranged by them, it will be apparent, without inquiry, that they are constantly acting in concert with depraved foreigners, and that their minds have a perverted inclination. And I, the high Commissioner, will forthwith solicit the royal death-warrant, and select for execution one or two of the most unworthy of their number, confiscating their property to government, and thus will I show a lucid warning. Say not that you did not receive early notice. A special edict. Taoukwang, 19th year, 2nd month, 4th day, (17th March, 1839). (True translation),

‘J. ROBERT MORRISON,

‘Chinese Secretary and Interpreter to the Superintendents of British trade in China.’”

On Monday the 18th of March, late at night, Mr. Thom was requested by Howqua to go to his hong and translate the above proclamation*. This service was performed so

* We can vouch for the general accuracy of the statement of the facts of the case here given, on the best authority, that of an eye witness of the highest respectability.

speedily that a translation was read to the foreigners on Tuesday morning. On Tuesday the 19th an edict was issued by the Hoppo to the hong merchants, ordering them to communicate to the foreigners, that "pending the stay of the Commissioner in Canton, and while the consequences of his investigations, both to foreigners and natives, were yet uncertain, all foreign residents were forbidden to go down to Macao." On the evening of Tuesday the hong merchants requested the attendance of the British and American merchants. In compliance with this requisition about six or eight foreign merchants proceeded to the Consol-house, where they were informed by the hong merchants that if the imperial commissioner's edict was not literally complied with on the following day, two of their number would lose their heads. On Thursday the 21st, a general meeting of the members of the General Chamber of Commerce was called together by public circular. At ten o'clock a very full meeting assembled, and proceeded to take into consideration the proclamation addressed to the foreigners of all nations by his excellency the imperial commissioner, Lin. The result of the meeting was the adoption of a letter to the hong merchants, to be conveyed to them by a deputation of members of the Chamber. About ten P.M., on the evening of the same day, the whole body of the hong merchants attended at the Chamber, and an extraordinary meeting of such of the principal foreigners as could be found on a hasty summons, was convened to receive them. The hong merchants stated that they had just come from Commissioner Lin, who had threatened to put two of them to death if they did not procure the surrender of opium, say 1000 chests, by the next morning. The foreigners were taken by surprise with this appeal, and induced from compassion to subscribe 1000 chests. The next morning however they perceived the absurdity of the merchants' tale; for it was very unlikely, to say the least of it, that the commissioner, who had only a few days before asserted that he knew there were several thousands of chests at Lintin, of which he must have all, should now be content with 1000 chests; and the whole affair was quashed. This tended much, however, to distract the foreigners, many of whom believed that the commissioner's proceedings tended to

the old story of procuring a heavy *squeeze*, and would there end*.

On Friday Mr. Dent had been pressed by the hong merchants to go inside the city on the following day in obedience to the wishes of the imperial commissioner; but when former acts of treachery on the part of the Chinese government were brought to Mr. Dent's recollection, he declined entering the city, except under a safe conduct granted by the commissioner himself, the only irresponsible officer then at Canton.

On Saturday morning nearly the whole foreign community were in Mr. Dent's house, when two mandarins went there to induce him to go, and the foreigners were unanimous against his going. When this was stated to the mandarins, they asked if any one would go to tell this to the Kwang-chow foo, their superior officer at the Consoo-Hall, for they dare not. Mr. Inglis (the second partner in the firm of Messrs. Dent and Co.) offered to go, and some others accompanied him. The Quong officer seemed on hearing it to be in a similar dilemma, and he asked Mr. Inglis if he would go into the city to tell this to the Commissioner, to which Mr. Inglis at once assented, and went forthwith, accompanied by Messrs. Gray, Thom, Fearon, and Slade. They did not see the Commissioner, but the four Sze officers. They first examined Mr. Thom, who speaks Chinese, by himself; then Mr. Inglis through a Chinese interpreter, the other gentlemen not being present. The reasons Mr. Inglis gave for Mr. Dent's not appearing were;—That the other foreigners considered Mr. Dent to be selected by the Commissioner as a representative of them all, to deliver up opium; but as they were not prepared to do that, they would not let him go;

* In illustration of this we subjoin here the following passage from Capt. Elliot's correspondence with Lord Palmerston, "It was remembered that the late frequent changes of policy of the government in relation to this trade, left it a matter of perfect doubt to the very day before the Commissioner's first edicts appeared, whether the avowed purposes were to be depended upon or not, or whether the object was merely the extensive check of the trade by subjecting it to heightened temporary inconvenience, and exacting some considerable fees for the price of its future relaxation.

"Up to a very late date, my Lord, no portion of the trade to China has so regularly paid its fees to the officers of this and the neighbouring provinces, high and low, as that of opium; and, under all the circumstances of the case, I am warranted in describing the late measures to be those of public robbery, and of wanton violence on the Queen's officers and subjects, and all the foreign community in China."

that the surrender of the opium was a very important question to them, and they wished more time to consider of it; that it was not their own, but belonged to people in other countries, to whom they would be responsible for it by their own laws, if they gave it up without an equivalent; that he was going to England immediately and should be liable for it there; that Mr. Dent had no more objection, personally, to go into the city than himself, but that he was prevented by the other foreigners, being considered as their representative; whereas he (Mr. Inglis) acted for himself, without consulting others: to all which, repeated over and over, the criminal judge answered as often, that he knew nothing about their laws; that the Commissioner was a very high officer who had issued his command for Mr. Dent to appear before him, and Dent must obey, and that he must tell him so. Mr. Inglis previously told all this to the Kwang-chow-foo through Mr. Thom, who also went over the whole ground again to the Wei-yune, an immediate personal attendant on the Commissioner, after their appearance before the Sze officer.

Their chief object was to get the difficulty of their position made known to the Commissioner through his officer, and to gain time; but Mr. Inglis's particular view in going to the Kwang-chow-foo, in the first instance, was to avoid if possible exasperating him and the other inferior mandarins, which Mr. Dent's refusal to go and to accept their pledge for his safety, in compliance with the general opinion, was likely to do. When Captain Elliot came to Canton, he blamed Mr. Inglis for going*; but on Mr. Inglis's giving the above reason, he admitted that Howqua had told him, that had he not gone into the city, the Kwang-chow-foo would have been deprived of his button that night. When they returned home from the city, they found the hong merchants already at Mr. Dent's house, to tell Mr. Dent that he must still go into the city at 10 o'clock the following morning. It had never occurred to any of them till then, that the next day was their sabbath. Upon mentioning this to the merchants they seemed equally well pleased at the prospect of obtaining a

* Captain Bullock in his pamphlet blames the British merchants for not doing this very thing which Mr. Inglis did. Because Mr. Dent declined to go, he assumes that no one went.

day's grace, and told Mr. Dent to write so to the viceroy. This the interpreter did immediately, and an answer was as quickly returned, to the effect, that Dent must go into the city at 10 o'clock on Monday morning, and the officer would come to take him. On Sunday afternoon Captain Elliot arrived in Canton, and took the whole responsibility on himself, which we have been assured, was felt as a great relief by every Englishman, if not by every foreigner in Canton.

Early in the morning of Sunday copies of the following circular reached Canton:—

" Circular to Her Britannic Majesty's subjects.

" The Chief Superintendent of the trade of British subjects in China, having received information that Her Majesty's subjects are detained against their will in Canton, and having other urgent reasons for the withdrawal of all confidence in the just and moderate dispositions of the Provincial Government, has now to require that all the ships of Her Majesty's subjects at the outer anchorages should proceed forthwith to Hong Kong, and hoisting their national colours be prepared to resist every act of aggression upon the part of the Chinese Government.

" In the absence of Captain Blake, of Her Majesty's sloop *Larne*, Captain Parry, of the *Hercules*, will make the necessary dispositions for putting the ships in a posture of defence, and, in the absence of Captain Parry, that duty will devolve on Captain Wallace of the *Mermaid*.

" And the Chief Superintendent, in Her Majesty's name, requires all British subjects to whom these presents may come, to respect the authority of the persons herein charged with the duty of providing for the protection of British life and property.

" Given under my hand and seal of office, at Macao, this twenty-second day of March, one thousand eight hundred and thirty-nine.

" [Signed] CHARLES ELLIOT,

" Chief Superintendent of the Trade of British Subjects in China."

Between six and seven o'clock, P.M., Captain Elliot landed at the steps of the British consulate from a boat belonging to Her Majesty's sloop *Larne*. Captain Elliot, after giving orders to hoist the British flag, gave verbal notice of an immediate public meeting of all foreigners, and then proceeded, attended by most of his countrymen and others, and a crowd of Chinese, to Mr. Dent's factory in the Powshong hong, whence in a few minutes he returned, accompanied by Mr. Dent, to the British consulate: he immediately held the meeting he had summoned, and read the following notice:—

" Public Notice to British Subjects.

" L. S.

" Macao, 23rd March, 1839.

" The considerations that have moved the undersigned to give public notice to all Her Majesty's subjects that he is without confidence in the justice and moderation of the provincial government are :—

" The dangerous, unprecedented, and unexplained circumstance of a public execution before the factories at Canton, to the imminent hazard of life and property, and total disregard of the honour and dignity of his own and the other western governments, whose flags were recently flying in that square; the unusual assemblage of troops, vessels of war, fire-ships, and other menacing preparations; the communication, by the command of the Provincial Government, that in the present posture of affairs the foreigners were no longer to seek for passports to leave Canton (according to the genius of our own countries, and the principles of reason, if not an act of declared war, at least its immediate and inevitable preliminary); and lastly, the threatening language of the high commissioner and provincial authorities, of the most general application and dark and violent character.

" Holding it, therefore, impossible to maintain continued peaceful intercourse with safety, honour, or advantage, till definite and satisfactory explanations have passed in all these particulars, both as respects the past and the future, the undersigned has now to give further notice that he shall forthwith demand passports for all such of Her Majesty's subjects as may think fit to proceed outside, within the space of ten days from the date that his application reaches the government; such date hereafter to be made known.

" And he has to counsel and enjoin all Her Majesty's subjects in urgent terms to make immediate preparations for moving their property on board the ships ' Reliance,' ' Orwell,' and ' George the Fourth,' or other British vessels at Whampoa, to be conveyed to Macao; forwarding him, without delay, a sealed declaration and list of all actual claims against Chinese subjects, together with an estimate of all loss or damage to be suffered by reason of these proceedings of the Chinese Government.

" And he has further to give notice, that the Portuguese government of this settlement has already pledged itself to afford Her Majesty's subjects resident here, every protection in its power so long as they shall be pursuing no course of traffic within the limits of the settlement at variance with the laws of this empire. And he has most especially to warn Her Majesty's subjects that such strong measures as it may be necessary to adopt on the part of Her Majesty's Government, without further notice than the present, cannot be prejudiced by their continued residence in Canton (beyond the period now fixed), upon their own responsibility, or without further guarantees from the undersigned.

" And he has further to give notice, that if the passports shall be refused for more than three days, from the date that his application shall reach the provincial government, he will be driven to the conclusion that it is their purpose to detain all Her Majesty's subjects as hostages, and to endeavour to intimidate them into unsuitable concessions and terms, by the restraint

of their persons, or by violence upon their lives or property, or by the death of native merchants in immediate connexion with them, both by ties of friendship and of interest, or by the like treatment of their native servants.

"The undersigned, in conclusion, most respectfully submits these observations to the attention of all the foreigners in China, and the respective governments closely united by a community of feeling and interests, not only in their own quarters of the globe, but most especially in this peculiar country: he feels that he is performing an act of duty in offering them every humble assistance in his power on this and all similar occasions, when they may be of opinion, that he can be useful to them.

"Given under my hand and seal of office at Macao, this twenty-third day of March, one thousand eight hundred and thirty-nine.

"[Signed]

CHARLES ELLIOT,

"Chief Superintendent of the Trade of British Subjects in China."

On Sunday evening, about nine o'clock, the native servants were directed to leave the foreign factories, and the natives were forbidden to sell them food of any kind. The coolies of the different hong, armed with shields, spears, swords, and staves, as well as a detachment of troops, occupied the square, and guarded the doors of the British consulate, more particularly to prevent the escape of Mr. Dent. The river near the factories was cleared of all the boats usually there, and instead of them, three rows of boats filled with police and soldiers were there stationed, rendering escape altogether impossible. The streets leading into the square from the town were blocked up, and no native was allowed to remain or to go into any of the foreign factories. In the course of Monday night a boat belonging to the George IV., which had been hauled up high and dry in front of the Creek hong, was taken possession of by the Chinese, and on Tuesday night, between nine and ten o'clock, several of the sailing and rowing boats belonging to the foreigners, were, by the hong merchants' orders, hauled into the middle of the square, and turned bottom up. On Tuesday the following proclamation was issued by High Commissioner Lin, calling upon foreigners speedily to deliver up their opium under four heads. He puts one or two of the points with some ingenuity. But it is upon the Rhadamanthine principle (*castigatque auditque, first he punisheth and then he heareth*), for he had first used the most irresistible argument of all, viz. the imprisonment of those with whom he argued. And this *argumentum ad hominem*, or perhaps

rather *argumentum baculinum*, renders all the others not worth considering.

" First.—Ye ought to make haste and deliver it up, by virtue of that reason which heaven hath implanted in all of us.

" I find that during the last several tens of years, the money out of which you have duped our people by means of your destructive drug, amounts I know not to how many tens of thousands of myriads! thus, while you have been scheming after private advantage with minds solely bent on profit, our people have been wasting their substance and losing their lives, and if the reason of heaven be just, think you that there will be no retribution? If, however, ye will now repent and deliver up your opium, by a well-timed repentance, ye may yet avert judgment and calamities; if not, then your wickedness being greater, the consequences of that wickedness will fall more fearfully upon you! Ye are distant from your homes many tens of thousands of miles; your ships, in coming and going, cross a vast and trackless ocean; in it ye are exposed to the visitations of thunder and lightning and raging storms, to the dangers of being swallowed up by every species of monster of the deep; and amid such perils fear ye not the retributive vengeance of heaven? Now my great emperor, being actuated by the exalted virtue of heaven itself, wishes to cut off this deluge of opium, which is the plainest proof that such is the intention of high heaven! It is then a traffic on which heaven looks with disgust, and who is he that may oppose its will? Thus, in the instance of the English Taepan Roberts who violated our laws:—he endeavoured to get possession of Macao by force, and at Macao he died! Again, in the 14th year of Taoukwang (1834) Lord Napier bolted through the Bocca Tigris, but being overwhelmed with grief and fear he almost immediately died; and Morrison, who had been darkly deceiving him, died that very year also! Besides these, every one of those who have not observed our laws, have either on their return to their country been overtaken by the judgment of heaven, or silently cut off ere they could return thither! These are facts recorded in the newspapers of all countries! Thus then it is manifest that the heavenly dynasty may not be opposed! and still, oh ye foreigners! do you refuse to fear and tremble thereat?

" Secondly.—You ought to make immediate delivery of this opium, in order to compliance with the laws of the land.

" I have heard it said, that the laws of your own countries prohibit the smoking of opium, and that he who uses it, is adjudged to death! thus plainly showing that ye yourselves know it to be an article destructive to human life. If, then, your laws forbid it to be consumed by yourselves, and yet permit it to be sold that it may be consumed by others this is not in conformity with the principle of doing unto others what you would that they should do unto you:—if on the other hand, your laws prohibit its being sold, and ye yet continue to sell it by stealth, then are ye sporting with the laws of your own countries! and, moreover, the laws of our Chinese empire look upon the seller as guilty of a crime of a deeper dye, than the mere smoker of opium. Now you foreigners, although ye were born in

an outer country, yet for your properties and maintenance do ye depend entirely upon our Chinese empire; moreover, in our central land ye pass the greater part of your lives, and the lesser portion of your lives is passed at home; the food that ye eat every day, not less than the vast fortunes ye amass, proceed from nought but the goodness of our Emperor, which is showered upon you in far greater profusion than upon our own people: and how is it, then, that ye alone know not to tremble and obey before the sacred majesty of our laws? In former times, although opium was prohibited, yet the penalty attached thereto did not amount to a very severe punishment; this arose from the extreme mildness of our government; and therefore it was that your clandestine dealings in the drug were not scrutinized with any extraordinary rigor. Now, however, our great emperor looks upon the opium trade with the most intense loathing, and burns to have it cut off for ever; so that henceforward not only is he who sells it adjudged to death, but he who does no more than smoke it, must also undergo the same penalty of the law! Now try and reflect for one moment:—If ye did not bring this opium to China, how should the people of our inner land be able either to sell it or to smoke it? the lives of our own people which are forfeited to the laws are taken from them by your unrighteous procedure: then what reason is there that the lives of our own people should be thus sacrificed, and that ye alone should escape the awful penalty? Now I, the High Commissioner, looking up to the great Emperor, and feeling in my own person his sacred desire to love and cherish the men from afar, do mercifully spare your lives.—I wish nothing more than that ye deliver up all the opium you have got, and that you forthwith write out a duly prepared bond to the effect that you will henceforth never more bring opium to China, and should you bring it, agreeing that the cargo be confiscated, and the people who bring it put to death. This is pardoning what is past, and taking preventive measures against the future: why any longer cherish a foolish indiscriminate generosity? Moreover, without discussing about the opium which ye have sold in bygone years, and adding up its immense amount, let us only speak about that quantity which during the last year ye have clandestinely sold, which I presume was no small matter, hardly equal to the quantity which ye have now stored up in your receiving ships, and which I desire may be entirely surrendered to the mutual advantage of all: where is there the slightest chance or prospect that after this you will be permitted to dupe our deluded people out of their money, or inveigle them to do an act in which destruction overtakes them? I have with deep respect examined the statutes of this the Ta tsing [i. e. Tartar-Chinese] dynasty, and upon these statutes I find it recorded, 'if a Chinese or a foreigner break the laws they shall be judged and condemned by the same statute,' and words to that effect. Now upon former occasions we have condemned foreigners to death, as in the case of having killed our people, they require to give life for life, &c., &c., of which we have instances recorded. Now think for a little: depriving an individual of his life is a crime committed in a moment, and still the perpetrator of it must forfeit his own life in return. But he who sells opium, has laid a plot to swindle

a man out of his money, as well as to deprive him of his life; and how can one say that it is only a single individual, or a single family, that the opium seller thus dupes and entangles in destruction? and for a crime of this magnitude ought one to die or not to die? and still will ye refuse to deliver up your opium, which is the way to preserve your lives? Oh ye foreigners! do ye deeply deeply ponder upon this!

“Thirdly.—You ought to make immediate delivery of this opium, by reason of your feelings as men.

“Ye come to this market of Canton to trade, and ye profit thereby full threefold. Every article of commerce that ye bring with you, no matter whether it be coarse or fine, in whole pieces or in small, there is not one iota of it that is not sold off and consumed; and of the produce of our country, whether it be for feeding you, for clothing you, for any kind of use, or for mere sale, there is not a description that we do not permit you to take away with you, so that not only do you reap the profit of the inner land by the goods which you bring, but moreover by means of the produce of our central land do you gather gold from every country to which you transport it. Supposing that you cut off and cast away your traffic in the single article of opium, then the other business which you do will be much increased; you will thereon reap your threefold profit comfortably, and you may, as previously, go on acquiring wealth in abundance: thus, neither violating the laws, nor laying up store for after misery, what happiness, what delight will be yours! But if on the other hand ye will persist in carrying on the opium traffic, then such a course of conduct must infallibly lead to the cutting off of your general trade. I would like to ask of you if under the whole heavens ye have such an excellent market as this is? Then without discussing about tea and rhubarb, things which you could not exist without, and every kind and description of silk, a thing which you could not carry on your manufactures without, there are under the head of eatable articles, white sugar, sugar candy, cassia, cassia buds, &c., &c., and under the head of articles for use, vermillion, gamboge, alum, camphor, &c.:—how can your countries do without these? and yet our central land is heaped up and overflowing with every kind of commodity, and has not the slightest occasion for any of your importations from abroad! If on account of opium the port be closed against you, and it is no longer in your power to trade more, will it not be yourselves, who have brought it upon yourselves? Nay, further, as regards the article of opium, there is now no man who dares to buy it, and yet ye store it up in your receiving ships, where you have so much to pay per month for rent; day and night ye must have labouring men to watch and guard! and why all this useless and enormous expense? A single typhoon, or one blaze of fire, and they are forthwith overwhelmed by the billows, or they sink amid the consuming element! these are all things very likely to happen! What better plan, then, than at once to deliver up your opium, and to reap enjoyments and rewards by so doing?

“Fourthly.—You ought to make a speedy delivery of your opium, by reason of the necessity of the case.

"Ye foreigners from afar, in coming hither to trade, have passed over an unbounded ocean, your prospects for doing business depend entirely on your living on terms of harmony with your fellow men, and keeping your own station in peace and quietness. Thus may you reap solid advantage and avoid misfortune! But if you will persist in selling your opium, and will go on involving the lives of our foolish people in your toils, there is not a good or upright man whose head and heart won't burn with indignation at your conduct; they must look upon the lives of those who have suffered for smoking and selling the drug as sacrificed by you; the simple country folks and the common people must feel anything but well pleased, and the wrath of a whole country is not a thing easily restrained:—these are circumstances about which ye cannot but feel anxious! The men who go abroad, are said to adhere bigotedly to a sense of honour. Now our mandarins are every one of them appealing to your sense of honour, and on the contrary we find (to our amazement) that ye have not the slightest particle of honour about you! are you quite tranquil and composed at this; and will ye yet acknowledge the necessity of the case or not? moreover, viewing it as an article which ought never to be sold at all, and more especially considering that it is not permitted to be sold at this present moment, what difficulty should you make about the matter? Why feel the smallest regret to part with it? Still further, as ye do not consume it in your own country, why bootlessly take it back? If you do not now deliver it up to the mandarins, pray what will be the use of keeping it on hand? After having once made the delivery thereof, your trade will go on flourishing more abundantly than ever! polite tokens of our regard will be heaped on you to overflowing, and oh! ye foreigners! will not this be happiness indeed? I, the high commissioner, as well as the governor and lieutenant-governor—cannot bear the idea of being unnecessarily harsh and severe; therefore it is, that though I thus weary my mouth, as it were, entreating and exhorting you, yet do I not shrink from the task! Happiness and misery, glory and disgrace, are in your own hands! say not that I did not give you early warning thereof! A special proclamation, to be stuck up before the foreign factories.

"Taoukwang, 19th year, 2nd moon, 12th day.

"Canton, 26th March, 1839."

The above allusion to the deaths of Roberts, etc. calls for some remarks. Similar allusions have been several times before made to supra-cargoes of the East India Company's Factory, as well as to Lord Napier and others. In all our squabbles with the Chinese for several years past, they have succeeded in creating or fomenting a dissension between the British authorities and some portion of the foreign community. This done, the Chinese proceed to coax the seceders, and to lay the whole blame of the rupture and its continuance upon the British

authority, who is thus harassed in every possible way by both parties. In nearly all these cases the British Government and public, on first hearing of them, have immediately sided with the Chinese, and publicly repudiated their own representatives, so that the latter now count upon it as almost a certainty. These disgusts have usually succeeded in either killing the British authority, as was the case with Lord Napier; or in driving him home, as has happened with several. Upon this consummation the Chinese canonize the unfortunate authority as a martyr to his own conscience, the reproaches of his own countrymen, and the wrath of the protecting deities of the empire, and bring forth the precedent on the next rupture, as a warning to the foreigner who dares to oppose their measures. This game was playing with Captain Elliot at the date of the last accounts from China; it had succeeded so far, apparently, as the rupture between him and some of the private traders.

Neither the English nor the Chinese governments are supposed to have ever hitherto given their respective representatives at Canton precise and definite instructions, but to have left both to manage on their own responsibility. Both governments have been ready to disown their agent's acts when they were unfortunate, but with this difference: the English have generally hastened to repudiate their authority as soon as they heard of the trouble; whereas the more wary Chinese reserved their public censure till it was necessary to appease their adversary; but have always been ready enough to join in the humane act of hunting down the British authority.

Early on Wednesday morning Captain Elliot issued the following important public notice:—

" Public Notice to British Subjects.

" I, Charles Elliot, Chief Superintendent of the trade of British subjects in China, presently forcibly detained by the Provincial Government, together with all the merchants of my own and the other foreign nations settled here, without supplies of food, deprived of our servants, and cut off from all intercourse with our respective countries (notwithstanding my own official demand to be set at liberty so that I might act without restraint), have now received the commands of the high Commissioner issued directly to me under the seals of the honourable officer to deliver over into his hands all the opium held by the people of my country.

" Now I, the said Chief Superintendent, thus constrained by paramount motives affecting the safety of the lives and liberty of all the foreigners here present in Canton, and by other very weighty causes, do hereby in the name and on the behalf of Her Britannic Majesty's government enjoin and require all Her Majesty's subjects now present in Canton forthwith to make a surrender to me, for the service of her said Majesty's government, to be delivered to the government of China, of all the opium under their respective control, and to hold the British ships and vessels engaged in the trade of opium subject to my immediate direction, and to forward to me without delay a sealed list of all the British-owned opium in their respective possession. And I, the Chief Superintendent, do now, in the most full and unreserved manner, hold myself responsible for, and on the behalf of Her Britannic Majesty's government, to all and each of Her Majesty's subjects surrendering the said British-owned opium into my hands, to be delivered over to the Chinese government. And I, the said Chief Superintendent, do further specially caution all Her Majesty's subjects here present in Canton, owners of or charged with the management of opium the property of British subjects, that failing the surrender of the said opium into my hands, at or before six o'clock this day, I, the said Chief Superintendent, hereby declare Her Majesty's government wholly free of all manner of responsibility or liability in respect of the said British-owned opium.

" And it is specially to be understood that proof of British property and value of all British opium surrendered to me agreeably to this notice, shall be determined upon principles and in a manner hereafter to be defined by Her Majesty's government.

" Given under my hand and seal of office, at Canton in China, this twenty-seventh day of March, one thousand eight hundred and thirty-nine, at six of the clock in the morning.

" [Signed]

CHARLES ELLIOT,

" Chief Superintendent of the Trade of British Subjects in China.

L.S.

" True Copy.

" EDWARD ELMSLIE,

" Secretary and Treasurer to the Superintendents."

On the 28th Captain Elliot issued the following notice:—

" I, Charles Elliot, Chief Superintendent of the Trade of British Subjects in China, do require any British subject or subjects, in the name of Her Britannic Majesty's Government, who may have opium within his or their factory, to acknowledge the same to me, in person, within the space of two hours from this date.

" CHARLES ELLIOT, Chief Superintendent.

" Canton, 6 P.M., 28th March, 1839."

It is believed that every British subject complied with this requisition. Merchants of other nations also made over to the British Superintendent whatever opium they held on ac-

count of British subjects. The quantity thus *offered up* amounted to 20,283 chests. The surrender was completed on the 21st of May. Upon the delivery of the whole of the above-mentioned quantity (and not till then) the foreigners were restored to their liberty. On Friday the 24th of May, in conformity with a public notice issued by him to that effect, Captain Elliot, with all the proscribed British subjects, left Canton. The whole of the opium was then destroyed, under the superintendence of High Commissioner Lin.

In reviewing these proceedings, it is to be carefully borne in mind that Captain Elliot solemnly and repeatedly expressed his own hostility, and that of the government he represented, to the opium trade; publicly warned British subjects of the consequences likely to result from persisting in it; and thus did everything in his power to put it down*. Perhaps the most unjustifiable part of the whole proceeding, on the part of the Chinese government, is that which is the subject of the following public notice from Captain Elliot, with the more important part of which we shall close our statement of the facts of the case:—

" Public Notice to Her Majesty's Subjects.

" The officer deputed by the Commissioner, and the Keun Min Foo, having caused certain notices to be publicly placarded at Macao, inciting British merchants, commanders, and seamen, to disregard the lawful injunctions of the undersigned, he has this day transmitted to those authorities the accompanying declaration. A copy of the same will be submitted to the Commissioner.

(Signed) " CHARLES ELLIOT,
Chief Superintendent."

" Macao, 21st June, 1839.

" Elliot, &c., &c., learns that Official Notices have been publicly placarded and sent to the ships of his nation, inciting the English merchants, commanders, and seamen, to disregard his lawful injunctions, issued in the name of his most gracious sovereign. But wherefore are these notices silent upon the causes which have produced the conclusion of trade and intercourse at Canton? The High Commissioner has published his own communications to Elliot, but where are the replies?

* That he had done so for a year previous to the confiscation may be concluded from the following extract from a despatch of Lord Palmerston of June 15th, 1838. " With respect to the smuggling trade in opium, which forms the subject of your despatches of the 18th and 19th November, and 7th December, 1837, I have to state, that Her Majesty's government cannot interfere for the purpose of enabling British subjects to violate the laws of the country to which they trade. Any loss, therefore, which such persons may suffer in consequence of the more effectual execution of the Chinese laws on this subject, must be borne by the parties who have brought that loss on themselves by their own acts."

" These proceedings are highly inconsistent with the principles of peace and dignity; and Elliot must now declare the motives which have compelled him to require the merchants of his nation to leave Canton, and the ships no longer to return within the Boeca Tigris. On the 24th March last, Elliot repaired to Canton and immediately proposed to put an end to the state of difficulty and anxiety, then existent, by the faithful fulfilment of the emperor's will; and he respectfully asked that he and the rest of the foreign community might be set at liberty, in order that he might calmly consider and suggest adequate remedies for the evils so justly denounced by his Imperial Majesty. He was answered by a close imprisonment of more than seven weeks, with armed men day and night before his gates, under threats of privation of food, water, and life. Was this becoming treatment to the officer of a friendly nation, recognised by the emperor, and who had always performed his duty peacefully and irreproachably, striving in all things to afford satisfaction to the Provincial Government?

" When it thus became plain that the Commissioner was resolved to cast away all moderation, Elliot knew that it was incumbent upon him to save the Imperial Dignity, and prevent some shocking catastrophe on the persons of an imprisoned foreign officer, and two hundred defenceless merchants. For these reasons of prevailing force he demanded from the people of his nation all the English opium in their hands, in the name of his sovereign, and delivered it over to the Commissioner, amounting to 20,283 chests. That matter remains to be settled between the two courts.

" But how will it be possible to answer the emperor for this violation of his gracious will, that these difficult affairs should be managed with thoughtful wisdom, and with tenderness to the men from afar? What will be the feelings of the most just Prince of his illustrious dynasty, when it is made manifest to him by the command of Her Britannic Majesty, that the traffic in opium has been chiefly encouraged and protected by the highest officers in the empire, and that no portion of the foreign trade to China has paid its fees to the officers with so much regularity as this of opium?

" Terrible indeed will be His Imperial Majesty's indignation when he learns that the obligations into which the high Commissioner entered, under his seal to the officers of foreign nations, were all violated! The servants were not faithfully restored when one fourth of the opium was delivered; the boats were not permitted to run when one half was delivered; the trade was not really opened when three-fourths were delivered; and the last pledge that things should go on as usual when the whole was delivered, has been falsified by the reduction of the factories to a prison with one outlet, the expulsion of sixteen persons, some of them who never dealt in opium at all, some clerks, one a lad, and the proposal of novel and intolerable regulations. * * * * *

" Elliot and the men of his nation in China submit the expressions of their deepest veneration for the Great Emperor.

(Signed) " CHARLES ELLIOT, Chief Superintendent.

(True copy) " EDWARD ELSLIE, Secretary and

" Treasurer to the Superintendents."

Such being the facts of the case, we must now inquire what principles of law or ethics are applicable to them.

Out of the circumstances narrated above two questions arise:—The first a question between the British Government and a portion of its own subjects, being partly a question of English law, and partly a question of ethics; in other words, being subdivisible into two questions, a legal and a moral:—The second a question between the British Government and the Chinese Government, and belonging to the law, not of nations, but of nature.

I. The *prima facie* view of the case is unfavourable to the validity of the claim of the British merchants to compensation for the loss of their opium. The common cry of those who have not looked into the question is—"a pack of smugglers! what right have they to compensation? If they choose to run the hazard of smuggling for the sake of the high profits attending such a traffic, they must even abide the hazard of the die,—and if the turn of the die be against them, they must be content therewith." This is true, but this is not the statement of the case. Even viewing the case as one of loss under a smuggling transaction, the case has very peculiar features, which are thus stated in the address to Lord Palmerston of the British merchants, dated Canton, 23rd May, 1839:—

"We may be permitted to state that all foreigners reside in Canton on sufferance; that they have no means of ascertaining the laws except from the acts of the Provincial Government; and that the opium trade has steadily increased from an import of 4,100 chests in 1796, to upwards of 30,000 chests in 1837, with the open and undisguised connivance of the local authorities.

"The importation of opium into China was at one time allowed on payment of a duty, but discontinued in 1796. Its admission was again strongly recommended to the Imperial Government in 1836. No penalties have ever been enforced against foreigners bringing it to China, and the prohibitory laws have never been a rule to the functionaries of the Chinese empire, who should have administered them, nor to the Chinese people on whom they were intended to operate; which facts are openly admitted in the recent edict of the imperial Commissioner, under date the 15th March last, in which he states, 'that the prohibitions formerly enacted by the Celestial Court against opium were comparatively lax,' and that 'the foreigners are men from distant lands and have not before been aware that the prohibition of opium is so severe.'

"We may further state that the peculiar character of the opium trade

was distinctly recognised in the Report of the Select Committee of the House of Commons in 1830, and that in the subsequent Report in 1832, the Committee express their opinion, 'that it does not seem advisable to abandon so important a source of revenue as the East India Company's monopoly of opium in Bengal.'

"We conceive it will therefore be admitted that British subjects have carried on this trade with the sanction, implied, if not openly expressed, of their own government; and at the same time with an advantage to the revenue of British India, varying of late years from one to one and a half million sterling."

It now appears from what follows, that the Chinese Government, at least the local government, had the power of stopping the opium trade at any time, but kept that power suspended as an instrument for exacting higher fees.

"We do not attempt to deny the unquestionable right of the Chinese Government to put a stop to the importation of opium, and have readily signed an agreement to abstain from that trade at Canton on the first requisition of the government to that effect; but we think Your Lordship will perceive that long prescription had hitherto given foreigners ample reason to question the sincerity of the Chinese Government with regard to the discontinuance of the importation, and that under any circumstances, that government cannot be justified, by the lax observance of prohibitions, and open connivance of its officers, in at one time fostering a trade involving several millions sterling, and at another rendering its pursuit a capital crime. There seems no reason to doubt, from the late proceedings of the local government, that they have always had the power most materially to check if not totally to put a stop to the importation of opium when disposed so to do; but that power has seldom hitherto been exercised, except for the purpose of enacting higher fees for its introduction."

These are important facts unquestionably, and would be sufficient to give to the transactions a character essentially different from that of ordinary smuggling; they might consequently afford perhaps some colour for the advancement of a claim to compensation from some quarter, even if the property lost had been taken and confiscated in the only way in which the civilized nations of Europe claim possession of contraband articles, that is to say, by capturing them *vi et armis* from the parties actually engaged in the contraband transaction. But it is altogether unnecessary in this case for the claimants to rest their claim on these grounds. They may give their opponents every aid which their argument can receive from this. They may come forward and say: "We admit that, having attempted to introduce an article into

China, prohibited by the laws of China, if that article had been made lawful prize by (to use the inflated phrase of Chinese official pomp,) 'the war-ships of China, well-supplied with guns and military weapons of all kinds, cruising east, west, and south, studding the ocean at short intervals, protecting the coasts, seizing the native smuggling boats, and driving out the loitering foreign ships;'—then we should not have had a shadow of a claim to compensation of any kind from any quarter whatever. But the claim to compensation which we advance is altogether grounded on the *mode* in which we lost our property,—a mode unprecedented in the annals of the civilized world."

The *mode* in which this opium came into the possession of the Chinese Government takes it altogether out of the category of contraband articles. The importation into any given country of any given article is only smuggling as regards the particular country prohibiting the article; and until the article comes strictly within the jurisdiction of that country it is not contraband, and not forfeited*. Now what are the facts here? Of the 20,283 chests surrendered to Captain Elliot, about 3000 may have been at the time on the east coast; several hundred at Macao or on the west coast; the bulk of the remainder was in the harbour of Hong Kong where the depôt-ships then lay. Now, as is well known, the Canton authorities make the distinction between "Inner" and "Outer seas", including in the latter, Lintin, Hong Kong, and all the islands outside the Bocca Tigris. Moreover, since the opium depôt-ships first lay at Lintin, about 1821–22, the Canton mandarins have always excused their connivance at the trade by saying that those ships were in the "outer seas" *beyond their control*. In other words, according to these mandarins themselves, the opium which was thus surrendered at the requisition of Captain Elliot "in the name and on the behalf of Her Britannic Majesty's govern-

* This principle has been recognized by the English courts. In *ex parte Casafere*, 2 Glyn. and J. 227, the vice-chancellor held that a debt contracted abroad for goods contraband in England, is nevertheless provable, unless the seller is an actual participator in the act of smuggling them into this country; for an Englishman having a right to purchase goods abroad, must be held liable on his contract. There is another case still more in point in which it was held that British subjects have nothing to do with the revenue laws of other countries.

ment, and for the service of Her said Majesty's government," was at that time no more forfeited by the laws of China than any other species of property, the importation of which was not prohibited by those laws. Captain Elliot himself has, in substance, put this very point in the following passage of his "Public Notice to Her Britannic Majesty's subjects," dated Canton, 23rd May, 1839. We mark the important words in italics:—

"Acting on the behalf of Her Majesty's Government in a momentous emergency, he has in the first place to signify, that the demand he recently made to Her Majesty's subjects for the surrender of British-owned opium under their control *had no special reference to the circumstance of that property: but (beyond the actual pressure of necessity) that demand was founded on the principle, that these violent compulsory measures being utterly unjust per se, and of general application for the forced surrender of any other property, or of human life, or for the constraint of any unavoidable terms or concessions, it became highly necessary to vest and leave the right of exacting effectual security, and full indemnity for every loss, directly in the Queen. These outrages have already temporarily cast upon the British Crown immense public liabilities; and it is incumbent upon him at this moment of release to fix the earliest period for removal from a situation of total insecurity, and for the termination of all risk of similar responsibility on the part of Her Majesty's Government.*"

A point of no ordinary difficulty, however, now occurs for investigation; viz. *with what powers* Captain Elliot was *legally* invested; and whether those powers were sufficient to create a right on the part of Captain Elliot to require the surrender of their opium, and a corresponding obligation on the part of the British merchants to recognize that right; and, moreover, whether these powers enabled Captain Elliot to bind the British Government by his acts. This naturally makes a subdivision of this question into 1st, a legal,—2ndly, a moral question.

1.—The law at present in force in regard to this matter is contained in the statute 3 and 4 William IV. cap. 93, entitled "An Act to regulate the Trade to China and India;" and in the Order in Council of the 9th day of December, 1833, made in pursuance of the said Act, and in execution of the powers thereby in His Majesty in Council in that behalf vested. We extract entire the two sections of the act (the 5th and 6th), which immediately relate to the present question.

5. "And whereas it is expedient for the objects of trade
"and amicable intercourse with the dominions of the Em-
"peror of China that provision be made for the establish-
"ment of a British authority in the said dominions; be it
"therefore enacted, That it shall and may be lawful for His
"Majesty, by any commission or commissions, or warrant
"or warrants under His Royal sign-manual, to appoint not
"exceeding three of His Majesty's subjects to be superintend-
"ents of the trade of His Majesty's subjects to and from the
"said dominions, for the purpose of protecting and promo-
"ting such trade, and by any such commission or warrant as
"aforesaid to settle such gradation and subordination among
"the said superintendents (one of whom shall be styled the
"Chief Superintendent), and to appoint such officers to
"assist them in the execution of their duties, and to grant
"such salaries to such superintendents and officers, as His
"Majesty shall from time to time deem expedient.

6. "And be it enacted, That it shall and may be lawful
"for His Majesty, by any such order or orders, commission
"or commissions, as to His Majesty in Council shall appear
"expedient and salutary, to give to the said superintendents,
"or any of them, powers and authorities over and in respect
"of the trade and commerce of His Majesty's subjects with-
"in any part of the said dominions; and to make and issue
"directions and regulations touching the said trade and
"commerce, and for the government of His Majesty's sub-
"jects within the said dominions; and to impose penalties,
"forfeitures, or imprisonments for the breach of any such
"directions or regulations, to be enforced in such manner as
"in the said order or orders shall be specified; and to create
"a court of justice with criminal and admiralty jurisdiction
"for the trial of offences committed by His Majesty's sub-
"jects within the said dominions, and the ports and havens
"thereof, and on the high seas within one hundred miles of
"the coast of China; and to appoint one of the superintend-
"ents herein before mentioned to be the officer to hold
"such Court, and other officers for executing the process
"thereof; and to grant such salaries to such officers as to
"His Majesty in Council shall appear reasonable."

In pursuance of this Act, and in execution of the powers

thus vested in His Majesty in Council, the following Order in Council was made "at the Court at Brighton, the 9th day of December, 1833. Present the King's most excellent Majesty in Council."

"Whereas by a certain Act of Parliament, made and passed in the third and fourth year of His Majesty's reign, intituled "An Act to regulate the trade to China and India,' it is, amongst other things, enacted, that it shall and may be lawful for His Majesty, by any such order or orders, as to His Majesty in Council shall appear expedient and salutary, to give to the superintendents in the said Act mentioned, or any of them, powers and authorities over and in respect of the trade and commerce of His Majesty's subjects within any part of the dominions of the Emperor of China; and to make and issue directions and regulations touching the said trade and commerce, and for the direction of His Majesty's subjects within the said dominions; and to impose penalties, forfeitures, or imprisonment for the breach of any such directions or regulations to be enforced in such manner as in the said order or orders shall be specified:—

"And whereas the officers of the Chinese government, resident in or near Canton, in the empire of China, have signified to the supracargoes of the East India Company at Canton, the desire of that government that effectual provision should be made, by law, for the good order of all His Majesty's subjects resorting to Canton, and for the maintenance of peace and due subordination amongst them; and it is expedient that effect should be given to such reasonable demands of the said Chinese Government; now, therefore, in pursuance of the said Act, and in execution of the powers thereby in His Majesty in Council in that behalf vested, it is hereby ordered by His Majesty, by and with the advice of his Privy Council, that all the powers and authorities which on the twenty-first day of April, one thousand eight hundred and thirty-four, shall by law be vested in the supracargoes of the United Company of Merchants trading to the East Indies, over and in respect to the trade and commerce of His Majesty's subjects at the port of Canton, shall be, and the same are hereby vested in

“ the superintendents for the time being appointed under
“ and by virtue of the said Act of Parliament ; and that all
“ regulations which, on the said twenty-first day of April,
“ one thousand eight hundred and thirty-four, shall be in
“ force, touching the said trade and commerce, save so far as
“ the same are repealed or abrogated by the said Act of Par-
“ liament, or by any commission and instructions, or Orders
“ in Council, issued or made by His Majesty in pursuance
“ thereof, or are inconsistent therewith, shall continue in full
“ force and virtue ; and that all such penalties, forfeitures, or
“ imprisonments, as might on the said twenty-first day of
“ April, one thousand eight hundred and thirty-four, be in-
“ curred or enforced for the breach of such then existing re-
“ gulations shall thenceforth be, in like manner, incurred and
“ enforced for the same regulations, so far as the same are
“ hereby revived and continued in force as aforesaid ; and
“ that all such penalties, forfeitures, or imprisonments, when
“ so incurred, shall be enforced in the manner following, that
“ is to say, either by such ways and means by which the
“ same might, on the said twenty-first of April, one thou-
“ sand eight hundred and thirty-four, have been lawfully
“ enforced, or by the sentence and adjudication of the court
“ of justice established at Canton aforesaid, under and in
“ pursuance of the said Act of Parliament.

“ Provided also, and it is further declared, that the regula-
“ tions herein contained are and shall be considered as pro-
“ visional only, and as intended to continue in force only until
“ His Majesty shall be pleased to make such further or other
“ order in the premises, in pursuance of the said Act of Par-
“ liament, as to His Majesty, with the advice of the Privy
“ Council, may hereafter seem salutary or expedient, in re-
“ ference to such further information and experience as may
“ hereafter be derived from the future course of the said
“ trade.

“ And it is hereby further ordered, that the said superin-
“ tendents shall compile and publish, for the information of
“ all whom it may concern, the several regulations hereby
“ established and confirmed as aforesaid ; and that such pub-
“ lication, when so made with the authority of the said super-
“ intendents, shall, for all purposes, be deemed and taken to

“ be legal and conclusive evidence of the existence and of
“ the terms of any such regulation.

“ And it is further ordered, that the said superintendents
“ shall, on the arrival of any British ship or vessel at the port
“ of Canton aforesaid, cause to be delivered to the master,
“ commander, or other principal officers of such ship or
“ vessel, a copy of such regulations; and that every such
“ master, commander, or other officer, together with every
“ other person arriving in, or being on board any such ship,
“ shall be bound, and is hereby required to conform himself
“ to such regulations.

“ And the Right Honourable Viscount Palmerston, one
“ of His Majesty’s Principal Secretaries of State, is to give
“ the necessary directions herein accordingly.

“ C. C. GREVILLE.”

Thus it appears that the powers vested by this Act of Parliament in his Majesty in Council, are here executed, not *substantively*, not *definitely*, but in a way in which much of our legislation is performed, by reference to something else; which something else is found, upon examination, to be very dimly, imperfectly known, very unsubstantial and undefined. The superintendents appointed under the Act of Parliament before quoted are invested with *certain* powers and authorities: and what are those powers and authorities? is the natural question. Answer.—They are, “all the powers and authorities which, on the 21st day of April, 1834, shall by law be vested in the supracargoes of the United Company of Merchants trading to the East Indies, over and in respect to the trade and commerce of his Majesty’s subjects at the port of Canton.” It now therefore becomes of the utmost importance to know *what were* those powers vested in those supracargoes. We have made diligent search in every direction most likely to lead to the information required. We have carefully examined the “*Collection of Charters and Statutes relating to the East India Company*,” printed by the King’s printers, “*for the use of the East India Company*.” We have made inquiries of members of the establishment of the East India Company most likely to be well informed on the subject. The result of the information we have obtained

from that quarter is that the powers of the supracargoes were always indefinite, and were submitted to from the necessity of the case. They were generally supported from home in the exercise of whatever powers the circumstances of the case appeared to justify. We think it may be concluded that the powers of these supracargoes over the property of the East India Company *for the service, or what they to the best of their judgement considered to be for the service* of the said Company were *absolute*. If they considered it to be for the service of the East India Company to deliver up certain property (such property being within their jurisdiction) of the East India Company, there can be no doubt that they were empowered to do so. But it may be said, as the council of supracargoes of the East India Company at Canton had no power over any other property save that of the East India Company, except the power of deportation given by the statute 26 Geo. III. c. 57, s. 35, and that given by 33 Geo. III. c. 52, s. 133, of deportation, and of seizing the ships and goods of unlicensed persons trading within the limits of the East India Company,—that there is no analogy between the powers of the supracargoes and the powers of the superintendents; that you cannot from the powers exercised by the council of supracargoes over the property of the East India Company, form any conclusion respecting the powers to be exercised by the superintendents over the property of all the subjects of the British Government. Now let us see whether the 78th and 79th sections of the Act above referred to, the 33 Geo. III. c. 52, which apply to a case where certain other ships besides those of the Company were permitted to trade with the isles of Japan and the coasts of Korea and Canton, throw any light upon the subject.

The 78th section of that Act, after reciting that “for the further encouragement of trade to the north-west coast of America and the islands adjacent, under the limitations contained in the convention made by His Majesty with the king of Spain, of the twenty-eighth day of October, one thousand seven hundred and ninety, it may be expedient that ships fitted out for those parts should in certain cases be permitted by licence from the said Company to proceed from the said coast and islands direct to the isles of Japan and

“ the coasts of Korea and Canton, there to dispose of their
“ cargoes obtained on the said north-west coast of America,
“ and to return from thence direct to the same north-west
“ coast or islands adjacent, and there dispose of their returns
“ in trade, the owners and commanders of such ships entering
“ into such covenants with, and giving such security to the
“ said company, and submitting to be bound by such rules
“ and regulations as shall appear to be best adapted for pre-
“ serving to the said company the exercise and benefit of
“ their commercial privileges, and conduce to the preservation
“ of good order and regularity of the ship’s companies, and
“ their observance of the laws prescribed by the native states,
“ during the continuance of such ships on the said coasts of
“ Japan, Korea, and in the river of Canton aforesaid,” enacts
“ That the Court of Directors of the said Company shall, and
“ they are hereby required forthwith, after the passing of this
“ Act, to frame and lay before the Board of Commissioners
“ for the Affairs of India, such rules and regulations as they
“ shall think best adapted for the purposes aforesaid, and
“ also the forms of such deeds of covenant or other secu-
“ rities as the said Court of Directors shall judge to be
“ proper or necessary to be entered into, or given for the
“ due observance thereof by the owners and commanders of
“ ships to be licenced as aforesaid, and that the said Board
“ shall thereupon proceed to revise the same, and to give
“ such orders and instructions to the said Directors, in rela-
“ tion thereto, as they shall think fit and expedient; and
“ that the said owners and commanders, conforming them-
“ selves to the terms and conditions which shall be so pre-
“ scribed shall have and be entitled to such licence or licences,
“ and the said Court of Directors are hereby required to
“ grant the same accordingly, unless, on any representation
“ made by the said directors to the said Board of Commission-
“ ers, containing any specific objections against the granting
“ of any such licence, the said Board shall order the same
“ to be withheld, in which case it shall and may be lawful
“ for the said Directors to withhold or refuse the same.”

And by the 79th section it is enacted “ That the said rules
“ and regulations to be so made for the purposes aforesaid,
“ or any deeds of covenant or other securities to be required

“to be entered into or given for the observance thereof, shall
 “not extend to vest in any council of supracargoes, or other
 “officers of the said Company, a greater power over any
 “ships, or the commanders, officers, or companies of the same,
 “in the eastern seas, or on the coasts of Japan, Korea, and
 “China, which they shall be permitted to visit according to
 “the tenor of such licences, than such as can, shall, or may
 “lawfully be exercised by the said council of supracargoes, or
 “other officers of the said Company, in or over the ships em-
 “ployed by or in the service of the said Company, and the
 “commanders, officers, and men belonging thereto.”

Now, the words used here are “any ships, or the commanders, officers, or companies of the same.” There is nothing said about *cargoes*. In construction of law, then, it was not intended to give to the said supracargoes a power over the *property* of British subjects, (other than the East India Company,) who might be permitted by licence to trade with China.

But, by the statute, 3 and 4 William IV. c. 93, all the subjects of Great Britain are permitted to trade there; and making the necessary substitution of all British subjects for the particular class specified in the above recited Act of Parliament (33 George III. c. 52,) we arrive at the conclusion that these superintendents have *not* by LAW power to order the surrender of the property of Her Majesty's subjects in China for the service of Her Majesty's Government.

Another aspect of the legal question would be, whether Captain Elliot, by law, had power to bind the British Government by any guarantee he might see fit to give in the name of the said Government. And we cannot say that we see a shadow of any power of that description *expressly* and *specially* vested in him by any of the legal instruments under which he held his office,—either by the Act of Parliament or legal instrument creating the power to appoint him, or the Order in Council or legal instrument executing that power. But though Captain Elliot had no express and special power to bind the British Government, he had undoubtedly that implied and general power which exists in the person of every accredited officer of any state, from the commander of an army or a fleet, to the captain of the smallest craft

bearing the government flag, for extraordinary emergencies. The difficulty of determining what the emergencies are which render it consistent with sound policy that such an officer should take upon him to bind his government, render it always competent to such a government to refuse to abide by the guarantee, or redeem the pledge—to discredit the acts—to dishonour the bills of its officer. And this circumstance leads us to the moral question; viz. whether this was or was not a case falling under the class of cases in which an officer could bind the government he represented.

2.—We take it to need little demonstration to prove that the principal object for which Captain Elliot and the other superintendents were in China was the protection of British subjects. In the emergency which had occurred, as we have described in the preceding pages, Captain Elliot rightly judged it to be his duty to adopt the only means in his power for the protection of upwards of 150 British subjects, shut up in Canton by the Chinese Government. The British Government had left its subjects in China *totally without protection. There was not a single ship-of-war upon the coast or in the Chinese seas**. In this emergency what was Captain Elliot to do? He felt himself to be responsible for the lives of nearly 200 British subjects, and he adopted the only course that was open to him to provide for their safety. In his public and official character he

"enjoined and required all Her Majesty's subjects then present in Canton, in the name, and on the behalf of Her Britannic Majesty's Government, to make a surrender to him for the service of Her said Majesty's Government, to be delivered over to the Government of China, of all the opium under their respective control."

And further he declared that

"*in the most full and unreserved manner he held himself responsible for and on behalf of Her Britannic Majesty's Government, to all and each of Her Majesty's subjects surrendering the said British-owned opium into his hands, to be delivered over to the Chinese Government.*"

* As Captain Elliot is stated to have come up to Canton in a boat belonging to Her Majesty's ship *Larne*, a small vessel of 18 guns, we may conclude that that vessel was on the coast. The Duke of Wellington in one of the parliamentary papers lately printed gives it as his opinion that there should have always been on the coast "a stout frigate, besides one or two smaller vessels." This is an important circumstance in favour of the claim of the opium owners as against the British Government.

Now, whether Captain Elliot was or was not *legally* authorized thus to bind Her Britannic Majesty's Government, the parties thus enjoined and required, believed him to be legally authorized, and acted under that belief. But the gist of the argument lies not merely on what supposition with respect to Captain Elliot's powers, but for what specific purpose, and with what effect, the opium was surrendered. There were at that time shut up in Canton by the Chinese Government, deprived of their servants, and debarred from purchasing food, in all about 230 foreigners, in nearly the following proportions as to the respective nations to which they belonged:—viz.

British, including Her Majesty's superintendents, and the East India Company's Agency Establishments, and about 50 officers and seamen of the shipping at Whampoa or other strangers	130
Parsees, or other natives of India, mostly British subjects	50
Americans	30
Portuguese, some from Macao, others natives of India and British subjects	15
Dutch, Swiss, &c.	5

Total 230

The opium, then, surrendered to Captain Elliot can be viewed in no other light than as the *RANSOM* of the lives of 180 British subjects. It is necessary to consider an objection that may be here made. It may be said that nearly all, if not all of the merchants or mercantile agents out of this number of 150 and upwards of British subjects, were or had been engaged more or less in the opium trade; and that, consequently, they could make no moral claim for compensation for having given up their own property to save their own lives. It might be shown, indeed, that although occasionally all those houses of agency may have been concerned in opium on their own account, none were entirely so. However, we do not feel inclined to contest this point. Let us deduct from the sum total of British subjects whose lives were in jeopardy from Chinese violence, all those who were in any the slightest degree interested in the property surrendered, and see how the argument stands without them. We have

still remaining Her Majesty's superintendents, the East India Company's Agency Establishment, and about 50 officers and seamen belonging to the British shipping. As the *ransom* of their lives the opium was given up. A question again will be asked by some persons, which must be answered. Were their lives worth 20,243 chests of opium, estimated at say 500 dollars per chest, making a sum of upwards of 2,000,000*l.* sterling? It may seem, indeed, a somewhat ungracious, ungenerous, pennywise style of going to work,—this weighing out the lives of Englishmen and British subjects by ounces and grains of silver. But we wish to adapt our argument to the encounter of any objections that may be urged against it. In this case, however, we have a unit among the lives to be ransomed, which represents so many other units, that it will save us the trouble of reckoning every individual fraction of a farthing sterling that each life on this occasion might be worth. However ignoble the occasion, however obscure the scene, and on that scene and that occasion however inadequate might be the symbol, nevertheless, in that scene, on that occasion, the Queen's superintendents must undoubtedly be considered as the representatives of the majesty of the British people and the British crown. This consideration alone is so weighty, as to make the opposing scale of the balance kick the beam. It is not of a ransom for the superintendents in their personal, natural character that we speak, but of a ransom for them in their public, civil, official character, in which for the occasion they represent in that sphere the power, wealth, and dignity of the British nation and the British name.

As to what has been said of their possessing no political character, whatever character they may bear as regards the Chinese, there cannot be a doubt that officers solemnly appointed by the King in Council, under the authority of an Act of Parliament, possess a political character as regards British subjects. And be it observed, moreover, that the recital in an Order in Council being good evidence of the truth of a fact, at least as regards British subjects, and it being recited in the said Order in Council that the said superintendents were appointed in pursuance of the desire of the Chinese Government to that effect, British subjects have

good authority to consider the said superintendents as invested with a political character, not only as regards the British Government and its subjects, but as regards the Chinese Government and its subjects. Captain Elliot has been accused of identifying the English nation with the cause of the smugglers. If Captain Elliot had been quite sure that there were no British subjects shut up in Canton but those concerned in opium smuggling, perhaps then the strict line of his duty towards the British Government might have been to leave them to get out of the scrape into which their own acts had brought them. But as Captain Elliot could not be sure of what was not the fact, it was his duty to exert himself to the utmost for the protection of such British subjects placed under his protection as had done nothing to forfeit that protection. If he had left them to perish by Chinese violence, he would have been visited with tenfold reprobation by those very persons who are now hunting him down for the opposite line of conduct.

We are then clearly of opinion that this was one of those critical cases in which an accredited officer had power to bind the government he represented; and consequently, that the British Government are bound to redeem the pledge given by Captain Elliot to the owners of opium surrendered to him for the Chinese Government. And this specific claim the British Government, as a government making any pretensions to honour, good faith and good policy (for here, as in private life, honesty or good faith is the best policy), are bound to satisfy at once, without delay, and without equivocation, without subterfuge, without any pretence of waiting to be compensated itself by the Chinese Government; for it is a distinct claim upon the British Government, altogether independent of any claim which the British Government may have upon the Chinese Government. This last question we now proceed to consider.

II. The importance and novelty of the case render a few preliminary remarks necessary. The writers on the so-called law of nations for the most part confound the law of nature and the law of nations. There is one writer, too, (a man whose clearness, vigour and grasp of mind, form a singular contrast with the feebleness and confusion of ideas

which characterize the above-mentioned herd of writers) whom they sometimes cite as an authority for that doctrine. We mean Hobbes, whom Vattel and others represent as holding "that the law of nations is the law of nature applied to states or nations*." And certainly the passage quoted by Vattel (from the *De Cive*, c. xiv. §. 4), is borne out by a passage in the *Leviathan* (part II. c. 30, p. 185), where Hobbes says expressly,—“the law of nations and the law of nature is the same thing.” Now, according to Hobbes, the fundamental law of nature is, “That every man ought to endeavour peace, “as far as he has hope of obtaining it; and, when he cannot obtain it, that he may seek and use all helps and advantages of war†.” And again, “The right of nature, “which writers commonly call *jus naturale*, is the liberty “each man hath to use his own power as he will himself, “for the preservation of his own nature, that is to say, of “his own life; and consequently, of doing anything which “in his own judgement and reason he shall conceive to be “the aptest means thereunto.” And “A law of nature (*lex naturalis*) is a precept, or general rule, found out by reason, by which a man is forbidden to do that which is destructive of his life, or taketh away the means of preserving “the same, and to omit that by which he thinketh it may be “best preserved‡.” In order to make out that this and the law of nations are equivalent terms, we must adopt the hypothesis, that nations continue in a state of nature as regards their external relations towards each other. But among nations which, for a series of years or centuries, have had with each other repeated communications and transactions both of peace and war, many customs and maxims grow up, which, although wanting one essential quality of laws, properly so called, viz. a sanction to enforce them, are to a certain extent (but only to a certain extent, for the reasons given above; since they are constantly disregarded by those nations or sovereigns who consider themselves powerful enough so to do) recognized by certain nations who usually style them-

* Vattel's Law of Nations; Pref. p. vii., Puffendorf's Law of Nature and Nations, B. ii. c. iii. §. 23.

† *Leviathan*, part II. c. 14.

‡ *Ibid.*

selves civilized, and may be without much impropriety called collectively the law of nations. And the misleading and mischievous blunder usually committed by the writers above alluded to, is to confound this positive or practical law of nations, or international law, with that phantom which they style the law of nature*. But the present question furnishes an example that *all* the nations of the world styling themselves civilized do not recognize the law of nations. The Chinese do not recognize it, and therefore, as regards them, we are driven back to that state in which, what we have described above as the law of nature, is the only light we have to walk by.

If the Chinese Government recognized that system or code of laws or usages, known in Europe by the name of law of nations, or international law, the solution of this question would be simple and easy. Smuggling is carried on reciprocally to a considerable extent on both the English and French coasts; yet if either nation, instead of protecting its own coasts from smuggling, were to attempt to put down smuggling by seizing the persons of the ambassadors or consuls of the other nation, it would not be difficult to predict the consequence of such an act. But where treaties do not exist, international law does not exist: and nations, like individuals, are thrown back upon the law of nature—in other words, the law of the strongest. The end of all law, however much and often law may diverge from the path to that end, is to protect the weak-bodied and simple-minded against the strong and the crafty: and treaties between nations, so far as they have the force of laws, have the same object. The Chinese Government has always declined to enter into any treaties; and one of its true and even avowed reasons for so declining was that a contract or treaty implies a certain equality between the contracting parties:—and the Chinese Government acknowledges no equal upon earth. It recognizes tributaries, but no allies. By this conduct, therefore, it seems to evince a preference for

* See a note on this subject in Professor Austin's *Jurisprudence*, p. 280. Mr. Austin says, that "Von Martens of Göttingen (who died some few years ago) was the first to perceive steadily the palpable difference in question." It were much to be wished that some one in this country would "perceive it steadily," and write a good book upon that perception of the subject.

this law of nature,—or of the strongest,—in other words, for this *no law*, because it considers itself in the position of the strongest, and consequently believes that it would be a loser by any other state of things. China, however, does not profess to make a giant's use of her gigantic strength—to use it for the purpose of coercion, of conquest. She professes to look down with an eye of cold indifference or philosophic scorn upon the quarrels and the treaties, the wars and the massacres for freedom, religion, glory, or whatever else, of the numerous nations into which Europe is divided, though they altogether form a population inferior in number to her own alone. She takes no part in their enmities or their friendships, their commerce or their wars: the aim of their existence is not hers. Except that she is less warlike and less ferocious than we were then, she regards us Europeans who come to traffic with her, pretty much as we regarded the Jews 500 years ago. She tolerates us for our dollars, but she despises us, spits on our gaberdine, and even sometimes pulls a tooth, if the dollars are not to be got at in any other way. Now, whether we should take upon us to attempt to beat (for there is clearly no other way than this, the *ratio ultima regum*) such a nation into a more amicable feeling, or, at least, more courteous demeanour towards us, is a question entirely between God and our consciences; or, as others will put it, between our pride and our pockets. If we feel convinced that it is for the good of ourselves, our posterity, and the world at large, that we, a people before whose combined energy, coolness, discipline, and valour, hath sunk every obstacle, and been beaten down every foe on every shore and every sea throughout the world for more than 700 years,—ever since the flag of the haughty and fiery Norman was blended with that of the steady and stubborn Saxon,—should humble the pride of the Chinese Emperor, showing him and his people that we are not the mere pedlars and money-changers they take us for, and that we deal in red-hot shot as well as cold dollars; why then it is our duty, feeling so convinced, so to do; and if we are convinced of the contrary, we do right to do the contrary; but it will be necessary to examine the matter a little more closely.

In the view of the judge and the legislator punishment is

inflicted, injury is redressed, not for the sake of vengeance for the past, but of prevention of evil and injury for the future. As long as human nature remains what it is, and still more as long as the Chinese principles of government remain what they are, any commercial intercourse between Great Britain and China must ever be subject to be attended by a great many transactions of the nature of smuggling. Wherever the prohibition of articles which are eminently objects of desire is strict, and the means of enforcing that prohibition are insufficient, the temptations to smuggling must be irresistible. A good deal has been written on what are called the "iniquities of the opium trade," and many of those who so stigmatize that traffic are no doubt actuated by the purest and worthiest motives. But if any government were to undertake to put down every traffic which any other government took upon itself to prohibit, there would soon be an end to commerce altogether. The importation of any given article is only smuggling as regards the country prohibiting the article. Until the article in question comes within the jurisdiction of that country it is not contraband, and not forfeited. To prohibit the production of opium because a few or even many Chinese convert it into an instrument of self-destruction, would be about as reasonable as to prohibit the production of French brandy, Oporto wine, or English gin or cutlery, because each and all of them become at times instruments for the destruction of human life and morals, while none of them is an article of the pharmacopœia, which opium is. And besides surely, as regards the prohibiting the cultivation of opium, the British East India Company are not called upon to do more, in order that Chinamen may not smoke opium, than the Chinese Government itself does. And suppose we were to prohibit the exportation of opium from all our dependencies for the purpose of being imported into China, and were to succeed to a certain extent (and it is very unlikely that we should succeed completely) in preventing its introduction into China, what security have we that the Chinese may not think fit to prohibit some other article of commerce, and enact over again towards the British representative and British subjects the same drama which we have just described? It is perfectly clear, that unless our intercourse with the Chinese

is placed on a different footing from that on which it stands at present, we may be liable at any time to a recurrence of the unpleasant and somewhat opprobrious scenes which have lately been exhibited to the world at our expense. It is quite clear, that if it is desired to prevent the recurrence of such acts towards British subjects on the part of the Chinese Government, such a reparation must be demanded and *exacted* for this insult to the representative of the majesty of the British crown and British people at Canton, as may render it inexpedient for the Government of China ever to venture upon a repetition of it. For it is important to remark here, that there is every reason to believe that the Chinese authorities were perfectly aware of what they were about,—that they perfectly understood the official character in which Captain Elliot appeared at Canton. A variety of proof of this might be adduced from the Chinese public documents, but the following recital in the preamble already quoted to the order in council of the 9th day of December 1833 is sufficient :—

“ And whereas the officers of the Chinese Government, resident in or near Canton, in the empire of China, have signified to the supracargoes of the East India Company at Canton, the desire of that government that effectual provision should be made, by law, for the good order of all His Majesty’s subjects resorting to Canton, and for the maintenance of peace and due subordination amongst them ; and it is expedient that effect should be given to such reasonable demands of the said Chinese Government :”

And in pursuance of a certain act of parliament therein described, it was ordered by the said order in council, that certain powers and authorities therein referred to, should by law be vested in the superintendents for the time being appointed under and by virtue of the said act of parliament.

The consequences, which for the future we say it is absolutely necessary to prevent, are still more fully developed in the following passage of an edict of the 8th of May, 1839 :

“ All you foreigners of every nation, should you not come hither, there the matter rests ; but should you come to the territory of the Celestial Court, be you people of any country whatsoever, so often as opium is brought, in all cases, in accordance with the new law, the parties shall be capitally executed [punished], and the property entirely confiscated. Say not that it was not told beforehand !”

Upon this edict Captain Elliot made some just remarks in the following

" Public Notice to British Subjects.

"The Chief Superintendent yesterday received an Edict, of which the annexed is a copy, to the joint address of the Consul of the King of Holland, the Consul of the United States, and himself. By this law the ships and crews* of all nations, henceforward arriving in China, are liable to the penalties; the first, of confiscation, and the last, of death, upon the determination of this government that they have introduced opium. The danger of confiding to this government the administration of any judicial process concerning foreigners can scarcely be more strikingly manifested than in the list of names lately proscribed by the High Commissioner. Evidence that has been good to satisfy his excellency that these sixteen persons are principal parties concerned in introducing opium, and therefore to justify their detention as hostages, would of course be equally good for other convictions of the like nature. It may be taken to be certain, however, that the list contains the names of persons who have never been engaged in such pursuits, or, let it be added, in any other contraband practice. In investigation upon such subjects, the Chinese authorities would probably be guiltless of any deliberate intention to commit acts of judicial spoliation and murder. But it is plain, that in the present state of the intercourse, there would be excessive risk of such consequences, and therefore the present law is incompatible with safe or honourable continuance at Canton, if nothing else had happened to establish the same conclusion. It places, in point of fact, the lives, liberty, and property of the whole foreign community here at the mercy of any reckless foreigners outside, and more particularly at the disposal of the hong merchants, linguists, compradores, and their retainers. The Chief Superintendent by no means ascribes general wickedness to those parties, but their situation and liabilities make them very unsafe reporters, and yet it is mainly upon their reports that the judgment of the government will be taken.

"It will be particularly observed that persons remaining are understood by the government to assent to the reasonableness of the law.

" CHARLES ELLIOT,

" Chief Superintendent of the Trade of British subjects in China."

" Canton, 11th May, 1839."

* Quere.—Whether the word in the edict as quoted above, "parties" would not be held by the Chinese judicial authorities to comprehend more than "crews", viz. principals or owners, and even agents also. In reference to this subject we make the following extract from the *Canton Register* of 21st May, (1839):—"We understand that H. E. the imperial commissioner has commanded the pilots to bring the ships now lying outside into the river; and when they have arrived at Whampoa, then the new law shall be divulged to them. If any of the ships of any nation enter the port under this gracious permission, the truth of the Chinese proverb will be verified; namely:—'That the Chinese see with two eyes and all other men with only one.'"

In making the above remarks let us not be misunderstood. We are no advocates of smuggling in any kind or degree; and if the moral guilt can be increased by the peculiar nature and properties of the article smuggled, it would certainly be so by those of a pernicious and demoralising drug like opium. Holding it when used in the manner the Chinese use it, that is, not as a medicine but as a luxury, to be in the last degree hurtful to the physical, moral and intellectual nature of man, we wish most heartily that they had put down the trade—had effectually stopped the importation in a regular and justifiable manner; we wish so for their sakes as well as for our own. The blunder made by the Chinese authorities was in putting coercion upon others besides those who were or possibly might be engaged in the trade. If they had shut up all the opium merchants and agents,—if they had even threatened them with death unless they surrendered the opium under their control,—we do not think that upon principles of general equity they could have been called upon to account for what they did. But in shutting up or keeping in confinement, in other words putting coercion upon, Her Britannic Majesty's superintendents and others of Her Majesty's subjects who had and could have no concern with the opium smuggling, they made their quarrel with the smugglers a quarrel with the British nation. Now in this case the British nation either is an opium smuggler or she is not. If she is, she is not on that account the less likely to resent being treated as a smuggler, and to demand redress and indemnity for her losses and the wrongs. If she is not, she will justly demand redress for the injurious treatment she has received; and one shape in which that redress may in part be effected, may be indemnity for the property lost. If the Chinese had carefully selected only those who were engaged in the opium trade, putting coercion upon them, but leaving free passage to all others, they and those who support them would most undoubtedly have had a much better case than they have at present; though even then their conduct would have had very much the effect of punishing by an *ex post facto* law. For the suffering a law to lie for years as a dead letter, and then all at once

bringing it into violent operation, has the same effect as an *ex post facto* law. A few years ago Governor Yuen succeeded in driving away opium smuggling from Whampoa by the simple exercise of the known Chinese law, that whenever foreigners prove refractory their hatches shall be closed (*i. e.* their legal trade suspended) until they obey. It may be asked, why did he not go on enforcing that law? It would have been more easy to destroy the trade when the importation was only 5000 or 6000 chests, than when it was nearer 30,000. Among the many reasons for thinking that the Chinese were not sincere in professing to stop it then, one is, that the flow of silver was into the empire at that time. The balance of exports and imports and consequently of exchanges did not turn against them until 1829-30. Yuen retired from the Emperor's Council of Four (Nuy-Ko) only last year; and his retirement seems to have been the signal for the violent party in the imperial councils to enter upon those proceedings which Lin is now following out.

But admitting that an insult has been offered to the British people, in the force put upon the persons of British subjects, and more especially of the superintendent of the British commerce, there are other considerations to be taken into account by a rational and civilized state besides the mere consideration of the shortest way to avenge that insult. It may be said that if the Chinese do not wish for our trade we have no right to force it upon them; and it may be said also, with a good colour of truth, that the supply even of all the British empire with tea is but a part of the Chinese trade in tea (considering the vast supplies of that article required by the eastern parts of Europe and vast tracts of Northern Asia), and consequently the Chinese might not be disposed to make any great sacrifice to retain the British trade;—moreover that there are the Americans ready to avail themselves of our quarrel with the Chinese to become the instruments of supplying all the British dominions with tea. But all this is no answer to the objection. It is undeniable that for two hundred years the Chinese have not only permitted but encouraged us to trade with them; and we are not bound, as it seems to us, by any law either of God or man, when an individual or a nation has opened a

shop, and we, among others, have entered that shop, to submit to be, not civilly informed that the shopkeeper does not wish for our custom, but driven out with kicks and hootings, for no other pretence than that a relation of ours, over whose actions we have no complete control, though whatever control we might have has been exercised to prevent the act in question, has done some act which has displeased the shopkeeper. So far from submitting tamely to such treatment from the shopkeeper, we should most unquestionably turn upon him and give him a drubbing that he should remember to the last day of his natural life, and that should be to all such as he a lesson of good government and good manners to all time. Let us suppose that we send out a squadron,—that we take the most efficient plan to make known to the Celestial Court itself that we deem ourselves insulted, and mean to have reparation for the insult,—that we sail up the Yellow Sea to the point nearest to Peking; that we “single out the vital part of our adversary, and the point of “it which is most exposed; that in that vulnerable heart we “plant our dagger, so that the remotest limb shall quiver “with the shock.” Supposing all this, it behoves us also to consider what will be the consequences when the vibrations of that shock have passed away. We might, to be sure, perhaps without very great difficulty, effect a revolution in China. The Chinese are by no means reconciled to the Tartar yoke. We might pull down the Tartar and set a Chinaman in his place, but then, how long would the Chinaman remain? When you once begin to pull down an elderly edifice, there is no saying where you are to stop. And so we arrive at the point in the circle where we were some pages back,—viz. that we should incur a terrible responsibility by disturbing the governing forces that at present act upon the Chinese people.

Nevertheless we are inclined to think that the latter course would be, upon the whole, the best; and the course which a ruler or minister at once bold and able, resolute and wary, would adopt. We should send out a fleet and army (a draft of troops from India would probably be sufficient), land as near to Peking as possible; distribute manifestoes everywhere as we advanced, that we do not mean to plunder the property

of the *Chinese*, or to interfere in the least with the *Chinese laws and institutions*; that our sole quarrel is with the Tartar invaders; and our object to place a Chinese on the throne instead of a Tartar; and to restore to China whatever of her institutions or customs, abolished by the Tartars, she wished to have restored. We should march to Peking, pluck the Tartar from his throne, place a Chinaman in his seat, and make the sole condition of giving him his empire that he would sanction free trade with all the world. We think that all this might be done at less expense than a paltry peddling indecisive measure would cost, especially if we take into account the consequences of these inefficient measures, which, like everything at first cheap and bad, are always the most expensive in the end. It seems probable, from the following account of certain secret political associations in China that the work of overturning the Tartar government would not be a difficult one. In fact the fear of something of this kind is said to be at the bottom of the extraordinary jealousy of foreign intercourse entertained by the Tartar government of China.

"The fraternities which are most dreaded by the Government of China are those secret associations, under various mysterious names, which combine for purposes either religious or political, or perhaps both together. Of the first description, the sect of the 'Water-lily' (a sacred plant), and that of the 'Incense-burners,' are both denounced in the 7th section of the Shing-yu; and with them is confounded the Roman Catholic worship, under the same prohibition. The present weak state of the government renders it particularly jealous of all secret societies whatever, as well as cruel and unrelenting in punishing their leaders. But the chief object of its dread and persecution is the San-hó-hoey, or Triad Society, of which some description was given in 1823 by Dr. Milne. The name seems to imply that when Heaven, Earth, and Man combine to favour them, they shall succeed in subverting the present Tartar dynasty, and that, in the meanwhile, every exertion is to be used to mature that event.

"In October, 1828, a paper, of which the following is an exact translation, was found in the Protestant burial-ground at Macao, by a gentleman of the Company's Service, who, understanding the meaning of it, sent the production immediately to the mandarin of the district, with whom he happened to be acquainted, and who entreated that the matter might not be made public, as he should be severely punished for the mere discovery of such a seditious paper within his district:—

"'Vast was the central nation—flourishing the heavenly dynasty,
A thousand regions sent tribute—ten thousand nations did homage;

But the Tartars obtained it by fraud—and this grudge can never be assuaged.

Enlist soldiers, procure horses—display aloft the flowery standard, Raise troops, and seize weapons—let us exterminate the Manchow race.”

“ Dr. Milne’s account of the Triad Society, whose nature and objects he took some pains to investigate, is so curious as to deserve particular notice.

“ The name of this association means, ‘ the society of the three united,’ that is, of Heaven, Earth, and Man, which, according to the imperfect notions and expressions of Chinese philosophy, imply the three departments of Nature. There is a well-known Chinese cyclopædia, arranged under these three heads. In the reign of Kea-king, about the commencement of the present century, the Triad Society, under another name, spread itself rapidly through the provinces, and had nearly succeeded in overturning the government. In 1803 its machinations were frustrated, and the principal leaders seized and put to death, the official reports stating to the Emperor that ‘ not a single member of that rebellious fraternity was left alive.’ But the fact was otherwise, for they still existed, and, with a view to secrecy, adopted the name which they at present bear.”—*Davis’s Chinese*, vol. ii. page 15.

Whatever the British Government mean to do, we conceive it to be sound advice to them to “*do it quickly*.” On the point of reducing the Chinese to an acquiescence in those rules by which civilized nations conduct their intercourse, all parties are agreed. This has appeared even from the terms of Sir J. Graham’s late factious and most unwarrantable attack upon the Ministry. And as this has become the unavoidable duty of any minister, Whig or Tory, we have only to express our hope that it may be executed in the most effective and rapid manner. For the sake of humanity, the contest, if contest there is to be, must be as short as the employment of vast resources can make it. We have less to revenge ourselves for the past, than to secure our position for the future. Nothing can do this so well as the display of our power to punish, and then, but not till then, our readiness to pardon.

ARTICLE II.

1. *Reinaert de Vos, naer de oudste Beryming, door* (Reynard the Fox, according to the oldest berhyming rhymes, by) J. F. WILLEMS. Small 8vo. Eecloo, 1834.
2. *Reinaert de Vos, Episch Fabeldicht van de Twaelfde en Dertiende Eeuw, met Aenmerkingen en Ophelderingen, van* (Reynard the Fox, an Epic-Fable-Poem of the Twelfth and Thirteenth Centuries, with Annotations and Explanations by) J. F. WILLEMS, Member of the Royal Academy of Brussels, of the Royal Netherland Institution, &c. 8vo. Ghent, 1836.
3. *Le Roman du Renard, traduit pour la première fois d'après un texte Flamand du XII^e Siècle, édité par J. F. Willems ; augmenté d'une Analyse de ce qu'ont écrit, au sujet des Romans Français du Renard, Legrand d'Aussy, Robert, Raynouard, Saint-Marc Girardin, Prosper Marchand, &c.* (The Romaunt of the Fox, now first translated from the text of a Flemish MS. of the Twelfth Century, edited by J. F. Willems ; enlarged by an Analysis of what has been written concerning the French Romaunts of the Fox, by Legrand d'Aussy, &c. &c.) ; by OCTAVE DELEPIERRE, Advocate, Archivist of West Flanders, Member of the Ghent Royal Society of the Fine Arts and Literature, &c. 8vo. Brussels, 1838.

WE must introduce our notice of the volumes before us by a few observations upon the actual condition of the Flemish language and literature in Belgium, respecting which a change has occurred within the last few years, that can hardly be uninteresting, at least in reference to its political causes and effects, to those who would be loath to see France again increase her population and her power by extending her limits as far as the Rhine.

The British public cannot have forgotten the strong Gallic tendencies prevalent throughout Belgium at the epoch of the revolution which severed that country from Holland ; tendencies so strong, as even to have produced, at least in the

Walloon provinces, a desire for re-incorporation with France, a longing for participation in the advantages enjoyed by the members of a large, a preponderant state, in preference to national independence. These French propensities, which, we have been assured upon good authority, were fostered by the Catholic clergy as preventatives against the contagion of Dutch Protestantism, naturally gave birth to a contemptuous dislike of the old Flemish language, a form of Low-German nearly identical with Dutch; or rather, perhaps, encouraged and continued feelings and opinions that had arisen during the subjection of the Netherlands to France.

But when the independence of the kingdom of Belgium had been generally recognized, when all motives for fear or jealousy of Holland had died away, the German sovereign of the new state, and his enlightened and patriotic Belgian counselors, quickly perceived that the real dangers threatening this independence lay in the ambition of a large and militarily formidable, not of a small mercantile people; to wit, in French regretful aspirations after the Rhine as the boundary of France. They perceived that these dangers were not to be averted by an alliance with the royal family of France, and that to ensure the stability of Belgian independence, Belgian nationality must be rather Teutonic than Gallic; and indeed, in point of fact, so it is and ever has been; the majority of the population being of the Teutonic race. We have seen a table in which the population is thus divided according to origin and language; for it must be remembered that even where the higher classes speak French, the lower orders have steadily adhered to their mother-tongue. Flemish and German are still the popular languages in French Flanders and Alsace, respectively, long as these provinces have now formed part of France.

LOW-GERMAN PROVINCES.		WALLOON PROVINCES.	
	Population.		Population.
Flanders.....	1,203,000	District of Nyvel	97,000
Antwerp.....	380,000	Hainault.....	530,000
Brabant, with the ex- } ception of Nyvel }	684,000	Namur	180,000
Part of Luxemburg ...	127,500	Liège	314,000
	<hr/> 2,394,500	Part of Luxemburg ...	127,500
			<hr/> 1,249,500

Actuated, we apprehend, by these considerations, king Leopold, some five or six years since, turned the sunshine of royal favour and patronage upon those learned Low-German Belgians, who, with Heer Willems at their head, had, even whilst their country was nominally French, shared in the European impulse towards nationality and national archæology, heretofore noticed as a potent motive and cause of the literary revolutions of the current century; and laboured, then of course unsuccessfully, to rekindle in their countrymen a love for, and culture of the Flemish language and literature. Under this genial influence Flemish Literary Societies have been formed; even the long-forgotten *Rhetorykkamers* (Chambers of Rhetoric), a kind of academic institution which once flourished in every town and village of the Netherlands, are reviving; prizes have been, and are daily offered by these societies and by the king himself, for Flemish essays upon the Flemish language, for Flemish poems upon various subjects, chiefly national and patriotic, etc., etc. And the result of all this actively stimulating patronage is, that Flemish writers, in every branch of literature, are arising on all sides, in all parts of the kingdom.

Our readers may perhaps wonder, that whilst so much of novelty offers in Belgium, we should bring before them, instead of some new work of some one of these nascent authors, a production of the middle ages, which, such of them as chance to be unacquainted with the labours and the European reputation of the profoundly erudite German Professor Jacob Grimm, with the very name of the learned Fleming, J. F. Willems, who is emulously treading in his footsteps, and even with those of the critical French archæologists, Reynouard, Legrand d'Aussy, etc., may consider as a mere childish fable or old wife's tale. Our reason for this is twofold; in the first place, that these authors are, as we have said, nascent, the produce of the newly regenerated Flemish muse, though full of talent, though most satisfactory as to her future prospects, yet to our mind somewhat immature, perhaps somewhat deficient in skilful horticulture; and hence,—as it is only when of a very brilliant and striking description, or otherwise very importantly significative, that we deem the light literature of foreign countries entitled to divert our at-

tention from the stirring interests of the day,—we are disposed to allow the said muse to make further progress in her education and development ere we present her to the British public; and this the rather, because without bringing forward her early fruits,—shall we say, blossoms?—we have here found the opportunity we have for some time desired, of making the Belgian intellectual revolution, now in progress, known in this country.

Our second reason, which would alone have been all-sufficient, is the high value we set upon the old poem here newly collated, edited, commented, modernized and translated, that has afforded this opportunity. To persons acquainted with the labours, we might say, with the reputation, of the erudite persons above-mentioned, or with the strong interest that has been excited in the continental learned world concerning Reynard the Fox, it is needless to add a word respecting its literary and antiquarian dignity. To those who are not, it may be satisfactory to learn the opinion entertained upon the subject by our own celebrated antiquary, Thomas Hearne, who, in his notes *ad Gulielmi Neubrigensis Historiam Anglicanam*, p. 743, says,—

“*Reynard the Fox* was one of the first things printed in England, being done by the famous William Caxton, in the year 1481. It was an admirable thing; and the design, being political, and to represent a wise government, was equally good; so little reason is there to look upon this as a poor, despicable book * * * *. But it is strange to see the changes that have been made in the book of Reynard the Fox, from the original editions.”

When the reader shall have perused our brief abstract of the poem, he will perhaps think that one of these changes is from the representation of a wise government to a satire upon a weak one.

That the story or poem of Reynard the Fox is extant in the Swedish, Danish, English, and Latin languages, as well as in High and Low German and French, adds not much to its dignity, since it is evident that all nations, except one, must probably have translated or borrowed it. But the question whether this one, the original Reynard, were German, High or Low, or French, has given rise to much speculation and controversy upon the continent. The literary pride of the nations laying claim to it is aroused, and deeply

interested in the decision which can hardly be deemed a matter of indifference to scholars and archæologists, to critics and poets of other, of all countries.

The age or date of the poem itself is, however, one of more general interest. Reynard the Fox has, by different critics, been ascribed to the 10th and to the 13th, as also to every intermediate century. Upon both these points we shall offer our readers extracts from the reasonings of the Flemish editor,—confining our notice to him, partly because we are writing of Flemish literature in Belgium; but mainly because he is the latest commentator, and deeply conversant with the arguments of all his predecessors. In the introduction to the second book, named at the head of this article, Heer Willems says :—

“No nation in the world has ever shown more care of cattle and domestic animals than the Franks. This is abundantly proved by almost every page of Charlemagne's Capitularies*. It cannot therefore be matter of surprise that amongst them should first arise a species of animal fable, the prototype of which would be sought in vain amongst other nations; of which Grimm says, ‘There is nothing that can stand a comparison with it. The fullness of its germination and development surpasses every production of antiquity in the line of fable. Unfolding bud out of bud, with the whole energy of the epopeia, it blossomed upon the German stock, in the Netherlands, in Northern France, (French Flanders, and the circumjacent region) and Western Germany. In fact where else can such poems be produced as the *Isengrimus*, the *Reinardus vulpes*, and the *Reinaert*, all three the growth of Flemish soil? * * *

“What other poets have ever ventured to compose a continuous tale, of which the subject was taken from the brute creation; of which the wolf and the fox were the principal personages, ay, the heroes, opposing each other in hatred and revenge, like Agamemnon and Achilles in the *Iliad*; which exemplifies epic unity so admirably, combined with episodic variety, whilst all the acting animals so thoroughly maintain and display their natural qualities and dispositions, that the poem is perused with an interest such as would be excited by a true history? And a poem of this description first appeared amongst the Belgians, both in the Flemish and the Latin language!

“* * * * * Great diversity of opinion exists with respect to the age of the *Reinardus vulpes*. Mone, the editor of the Latin version, holds this *Carmen Epicum*, as it is entitled, to have been partly composed in the

* It will be recollected that the Franks are supposed to have been a Low-German tribe, and that the Carolingians were a Netherland family, with large domains, extending pretty nearly from Liège to the frontier of Holland.

ninth century, partly augmented and interpolated in the twelfth, but neither Grimm nor Raynouard will admit this opinion, considering the whole as a work of the twelfth century. I shall not decide this point^{*}; neither shall I examine the question whether the narration of Reynard's adventures be or be not built upon a historical foundation. The matter seems to me still somewhat obscure, although before reading the judiciously urged objections of Grimm, I was not disinclined to coincide with the ideas of Eccard, Mone, Etmüller, and Saint-Marc Girardin. Whether *Reinaert* be or be not held the representative of the Lotharingian Earl Reginarius, and Isengrim of Zwentibold, king of Austrasia, the Netherland origin of our fable no longer depends upon this historical conjecture, but rests upon other, better-assured foundations. Leave we this point undisturbed, and pass to that which requires notice in the Flemish *Reinaert*.

"It is very likely that the fable of the Fox and the Wolf might be current here, even before the ninth century, in the form of a legend or of a popular song; but the poem, in the form in which we are here considering it, appears to have been first written in the second moiety of the twelfth century, probably about the year 1170, save and except that in the course of the thirteenth and fourteenth centuries, some alterations, of which we shall speak hereafter, were made in it. All circumstances concur to fix this epoch. And thus should *Reinaert* be the oldest known poem in our mother tongue, of which the Netherlanders may boast.

"This hypothesis will perhaps appear unfounded to many persons, because no one has hitherto dared to think of a written Flemish language in the twelfth century, and Maerlant is generally esteemed, in the strictest acceptation of the words, the father of German† poets altogether.

"But let my arguments be heard, ere judgment be pronounced.

"It will not be unsuitable to observe, preliminarily, that, according to my views, most Netherland poems of the middle ages are usually assigned to times far later than those to which they actually appertain. Thus, with the single exception of Maerlant, the contents of all MSS. of the fourteenth century have been deemed the production of that age, or, at the earliest, of the last moiety of the thirteenth century. Were this so, the French romances composed about or before the year 1150, would not have been translated for a couple of hundred years! and Flanders, one of the most

* We might here very satisfactorily shame the diffident Heer Willems, and actually overwhelm the reader with antiquarian lore and critical reasoning; with the titles of all the various versions, editions, and even known MSS. of our poem, including a recent discovery at Cambridge, nay, of contemporaneous Latin poems, lately discovered by Grimm, as the *Rebnis*, &c., and with the profound disquisitions of yet more foreign, philosophical archaeologists than have been incidentally named in our comments, extracts, or the title-page of one of the volumes under review. But actually to settle this question, nay, even to state and compare all the different speculations and their grounds, of all these learned diligent inquirers, would require a treatise,—not an article in a review; wherefore we shall content ourselves with awakening the attention of the British public to this curious subject, and recommending it to the investigation of our own antiquarian scholars.

† Meaning, we presume, Low-German, although we are not aware that the absolute Flemish word *Duitsch* was other than the old form of the modern *Duitsch*, i.e. German.

flourishing countries in Europe, under her Earls Dirk (Dietrich or Theodoric), and Philip of Alsace, at whose court the poetry of the *Trouvères* may be said to have been reared, this populous Flanders would not have had a single poet in her mother tongue to show previous to 1250! But that ours was earlier a written language, is apparent from a registration of the year 1130, published by Mone."

As the reader may like to know something more of the hypothesis, merely alluded to by Willems, which makes our epic fable a satire of the ninth century upon royalty and aristocracy, we extract a passage upon the subject from M. Delepierre's volume, (the third in our list). He tells us that one of the French commentators upon the French versions, or the *Romans du Renard*, M. St. Marc Girardin,

"Has developed this thesis at great length in the pages of the *Journal des Débats*, when reviewing the *Roman du Renard*, published from the King's MSS., by M. Méon. Here is the fact upon which this hypothesis is built. In the year 898 Arnold, King of Germany, and Emperor of the Holy Roman Empire, gave Lorraine (Lotharingen) to his illegitimate son Zwentibold, whose chief counsellor and friend was Regnier, one of the greatest Lotharingian nobles. The chronicles call this personage Reginarus, Recocharius, and Reinecke, according to the German abbreviation. He was a prudent and crafty nobleman. After having long been the friend of Zwentibold, he lost his favour. Expelled from Lorraine he took refuge in his castle of Durfos. Twice did the incensed Zwentibold besiege him there, and twice in vain, thanks to the prudence of Regnier. This struggle is supposed to have struck the popular imagination, which compared Regnier to the fox, and, by the association of ideas, Zwentibold to the wolf."

This is certainly possible, though we cannot readily suppose any poetic vassal in those days to have quite ventured upon depicting his liege lord and sovereign under the contemptible character of the ever-duped wolf. We shall, however, gladly follow Heer Willems's example in leaving the question undisturbed, especially as even the brief abstract we propose giving of the poem will enable the reader to form his own judgment respecting this historic theory. We return to Willems's Introduction.

The investigation of the evidence as to the date of the *Reinaert*, gives occasion to the discussion of a question mooted by some of these commentators and by historians; to wit, whether the names by which two Flemish fictions were distinguished in the very beginning of the thirteenth

century, when the popular party were called *Blaeuwoeters*, and the court party *Isengrimmers*, were taken from the family names of their respective leaders, or from the animal heroes of our poem? Without entering at any length into this inquiry, we may say that, according to the result of Heer Willems's diligent researches, no names affording such derivative appellations are to be found amongst those of the Netherland nobility or of the leading demagogues, whilst some explanation of the singular name of *Blaeuwoeter's* *anglicè* blue feet, which is not known to have been ever borne by the fox in the Low Countries, is supplied by his name of *blufot* in the Swedish and Danish languages. If this argument be admitted as conclusive, the fact is curious, as illustrating both the extensive popularity of the poem so far back as the year 1201, and the early prevalence of the Netherland practice of giving whimsical emblematic names to their factions. Of this we subjoin an instance or two about a century later: when Philip the Fair of France was struggling to subjugate Flanders, and convert it into an apanage for the princes of his blood, his Flemish partisans were called *Leliuerts*, from the lily in the arms of France, whilst the adherents of the native princes designated themselves, more fantastically, *Clauueerts*, as we conceive, from a claw of the lion, the bearing of Flanders. Holland supplies a more ludicrous example of this custom, in the denominations (appropriate enough to a country of fishermen, which it then was) of *Kabbeljaauws en Hoeks* (codfish and hooks) taken respectively by the partisans of a countess regnant and her rebellious son, to intimate, according to the Dutch historian van Kampen's explanation, that the first would swallow up their opponents as the codfish devours the small fry of the ocean, and that the second knew how to catch the former.

The age of the MSS. extant affords, as has been already stated by Willems, no data for that of the poem itself, the oldest of these, the Comburg MS., now in the Stuttgart library, not being esteemed of higher antiquity than the beginning of the fourteenth century. The only point worth noticing upon this part of the subject is the history of the MS. purchased at the sale of Heber's library, and called the Dutch Manuscript. It is the one edited by Willems, as cor-

rected and completed from the Comburg MS., that which he has modernized.

"The Dutch copy, purchased last February for the Burgundian Library of Brussels, must have been written in the first quarter of the fifteenth century. This MS. is on parchment, and consists of 120 leaves, or 240 pages of 34 lines each. It is illustrated with five vignettes or miniatures, of no great beauty*; and on many pages are vacant places for the reception of more paintings. At the end is an enigmatical piece of sixteen lines, in which the copyist gives his name to be guessed at. Heer Groebe, sub-librarian of the Netherland Institution, who, in 1825, copied this MS., and gave the first information concerning it in the *Kunst-en-Letterbode* (Messenger of the Arts, and of Flemish Literature), of June 23, 1826, is as incapable as myself of reading the riddle of this signature. What is known of the earlier possessors of the MS. is this. From a memorandum upon one of the outside leaves (which, from the handwriting, I assign to the year 1500, or thereabouts), the book must have once belonged to a certain Margriet, daughter of Jan Beyers, and afterwards to Maria van Ham, daughter of Haendryck van Byler. In 1825 it was in the library of the Heer Rendorp van Marquette, of Amsterdam; and was there to be publicly sold under the superintendence of the bookseller, Den Hengst. But an Englishman bought up the whole of this copious library; and two years afterwards William Heber acquired this volume by purchase at a public auction in London."

Willems elsewhere says:

"Of this MS. we learned that a beautiful copy on parchment of the whole poem was to be sold in the library left by the celebrated book-collector William Heber. At the recommendation of Serrure and myself, government gave orders for its purchase, and we soon afterwards rejoiced in seeing it in the Burgundian Library.

"Since the month of May, when I was commanded [by the king] to prepare an edition of this MS., I have zealously employed myself upon it, *** the contents show a much later fashioning and development than those of the Comburg MS. I found the copy very defective, and certainly not answerable to the enormously high price given for it. Such monuments of national fame cannot, however, be too dearly purchased."

With respect to the old poet, Willem, who announces himself in the opening of the poem, as the *maker* (author) of Madok, and the completer of the adventures of Reynard the Fox, his modern editor, Willems, says:—

"I have elsewhere shown, I think satisfactorily, that the oldest Flemish *Reinaert* (I mean the first 3394 lines, which make an indivisible whole, bearing, as Grimm says, a completely Flemish colour), was not written by

* These vignettes adorn the volume upon our table.

Willem. What he thought *not right written* in the old poem, he improved and filled out; but what he thought left imperfect at the conclusion, in order to make known the whole life and adventures of Reinaert, he supplied from *Walsche* (Walloon) that is to say French books.

"The Low-Saxon translation, *Reincke*, and the old prose impressions of Gouda 1479, and Delft 1485, have not the prologue, beginning at the 41st line; which makes it probable that this introduction may have been an addition of later times." * * * There is, in this prologue, a double commencement intimating a double object. Willem declares at its very opening, that he undertakes his task 'because it grieved him much' to see so much wanting to the history of *Reinart*: whilst twenty-six lines afterwards appears another declaration, probably by the original (or at least an earlier) poet, that he only therefore *made the adventures of Reinaert*, because a certain lady, of great courtesy prayed him so to do; otherwise he had been silent.

"It is not unusual for a continuator or interpolator to add a prologue to the work of his predecessor. In almost all the MSS. of the *Brabantse Yeesen* we find prologues of different purports and of different dates.

"If Willem had written the first part from French originals, this would be in some measure apparent in the work. For instance, the she-wolf would, as in the High-German translation of the tale by Heinrich der Glîchsenære, be *Hersant*, and not *Hersint* or *Erswinde*; the dog would retain his name of *Cortois* in the French *Branches* (as the detached adventures are called), whereas he there becomes *Roonel*, *Rooniaz*, and *Morout*. Then too, the scene of action and the treatment of the subject would not be so entirely, so innately Flemish; and finally, some remains, some traces would then be found in the French *Renard* of so excellent a work as the original poem must have been." * * * If on the other hand Willem be regarded as the remodeller and continuator of the poem, everything is perfectly clear. His work is the text of the Dutch MS.; in which we find, first, a paraphrase of the first book, as is apparent from the many variations and additions, indicated in the notes to every page of the present edition; and secondly a continuation of the original poem, mostly compiled from the French poets and the *Fabulæ extravagantes*." * * * Willem has nevertheless his especial merits, and worthily distinguishes himself by the insertion of many inventions of his own." * * *

"But who was Willem? A man who *made Madok and many books*, says his prologue; and, from many passages, evidently an ecclesiastic: in all likelihood therefore, Willem Utenhove of Aerdenburg in Flanders, a contemporary of Maerlant, who thus speaks of him:

"Promised I have

A tale of beasts to poetize;
Yet will I first know in what guise
Has Master Willem Utenhove,
A priest well-famed, whom all approve,
Of Erdenborg, such poem made," &c.

* * *

"That the second book of *Reinaert* is a continuation, and, for the most part, an imitation of the first, cannot well be doubted. The conduct is completely the same; the holding of a high court, accusation, summoning, confession, arrival at court, defence, reconciliation. That it is the work of a different poet, is equally indisputable. It contains different expressions, different turns of phraseology, * * * and many more proverbs. The lion is called *Lioen*, instead of *Nobel*," &c.

Our commentator now occupies himself in identifying the date of the second book with the age of Willem Utenhove. But this is a far less interesting point than the date of the older portion; and we proceed to the proofs that the first book cannot be much more recent than the middle of the twelfth century.

"We find allusions to many events and persons of that period. The scene of the *gesta* or exploits of *Reinaert* and *Isegrim* is constantly laid in Flanders, with the exception of a single incident that occurs in the house of a village-priest in Vermandois. But this excursion is not related as if it had led the fox and the wolf across the frontiers; a circumstance explicable by a reference to the political aspect of the country at that period. By the marriage of Philip of Alsace earl of Flanders with Isabella heiress of Vermandois, this earldom was upon her father's death in 1163 united to Flanders; and so continued until 1186. In this interval therefore must *Reinaert* have been written, or why meddle with Vermandois?

"In another passage of the poem the fox says that he has buried the treasure of king Ermenrik under a tree at Hulsterloo, which Hulsterloo lay in such a wilderness that for six months together not a creature was met there. Now the *Witte-boke* of the Ghent Archives informs us that in the middle ages pilgrimages were made to our lady of Hulsterloo. A miraculous image was there revered, which, according to a note in the unpublished chronicles of the Abbey of Drongen near Ghent, was brought thither from the town of Terouenne. Our lady, it appears, dissatisfied with the little honour paid her at Terouenne, orders the removal of her image, which was performed in the presence of a great concourse of people. Two doves flew before the bearers of the image, guiding their course, until they reached Hulsterloo. Such multitudes flocked to see the miracle, that a scarcity of bread was suffered in and about Ghent. This is the narrative of the clerical servitor of Hulsterloo, in the above-mentioned chronicle, but without a date.

"In the year 1136, Hulsterloo near Kieldrecht, with its waste land, forests and morasses, was ceded to the Abbey of Drongen by two documents still extant. It is likely that some years afterwards the monks of the Abbey may have there built and consecrated a chapel to the Blessed Virgin, and this would explain the celebrity of her image amongst the Flemings in the thirteenth, fourteenth and fifteenth centuries; as also the great resort of pilgrims thither, until Hulsterloo itself was destroyed by inundation. But if it was still a desolate place when *Reinaert* was written, the poem must be

older than the translation of the wonderful image ; which again brings us to the twelfth century.

• • • • •

"Some intimations of legal usages no less indicate the high antiquity of the poem ; and I am astonished that Grimm should not have noticed this, which alone would prove that our *Reinart* can be no translation from the French. I have pointed out allusions of this kind in my notes ; and for the corroboration of this assertion, I appeal to the works of Heineccius and of Dreyer ; namely, to the former's *Elementa Juris Germanici*, tom. ii. p. 5., and to the latter's *Von dem Nutzen des trefflichen Gedichtes, Reinke de Vos, zur Erklärung der Deutschen Rechtsalterthümer, insonderheit des ehemaligen Gerichtswesens* (Of the usefulness of the admirable poem, *Reynard the Fox*, towards the explanation of German legal antiquities, especially of the former administration of Justice). • • • • • I will only add, here, that the pronouncing sentence in the administration of justice, seated upon or near an elevated stone platform, as described, line 2757, carries us back to the middle of the twelfth century. (In a note to line 2757, Willems refers to J. Grimm's *Rechtsalterthümer*, p. 802, concerning this practice.) • • •

"Other allusions, finally, refer to canonical law. Of this nature is the incident of the village priest. He is represented as having a wife and children, who live with him openly, in his own house, without giving rise to scandal or suspicion in the minds either of his parishioners, or of the author of the poem. The same priest appears likewise in the French *Renard* ; but here he is no longer represented as a married man ; he is an ecclesiastic living disreputably with a concubine. • • • • • Now as it is well known that, after the middle of the twelfth century no priest could marry without *ipso facto* forfeiting his benefice, I deduce from this circumstance, first, that our poet wrote about the middle of the twelfth century, when there might still be instances of married ecclesiastics (we should have said, earlier, when they were too common to call for remark) ; and, secondly, that his work is older than the French *Branches du Renard*, printed in the appendix, which is nevertheless said to appertain to the first moiety of the thirteenth century. • • • • •

"It would lead me too far should I cite all the allusions to Flanders that are to be found in the French *Renards*. I am satisfied with the proceeding to show that it is not we who have borrowed from the French, but *they* who have taken the subject-matter of their poems either from us, or from Frankish traditions. Many of their *Trouvères* frequented the court of the Flemish earls, especially that of Philip of Alsace, the benefactor and friend of Chretien de Troyes."

We trust that our readers are by this time fully satisfied of the justice, or at the very least, the plausibility, of the claim advanced by our Belgian friends, to perhaps the oldest poem extant in any modern language. The High German *Niederungen Lied*, at least in the form in which we possess it, does not pretend to so high an antiquity by some quarter of a century

at least. We now therefore feel ourselves at liberty to proceed to our account of the poem itself. Yet ere we do so, we are irresistibly tempted to give, from the preface to Willems's modernized version, the opinion entertained of *Reinaert* by that great authority, Jacob Grimm*. In reading Willems's intervening ejaculations, it is to be recollected that they were written prior to the new birth of Flemish literature.

"Our Flemish *Reinaert* surpasses all other poems of this name; and 'deserves,' Grimm says, 'the first rank, both for its plan and its execution†. In it the whole, clad in graceful suitable language, proceeds by a regulated course, combined with ever-increasing interest, from the beginning to the end. All the incidents are therein as intimately connected as in true history.' Wonderfully correct and well maintained are, above all, the characteristic actions of the animals. In a word, *Reinaert* is, with the exception of Dante's *Divina Commedia*, by far the best poem that the middle ages have given to Europe. And this poem is a Belgian poem! And the Belgians know it not! And Germans are wanted to bring it to light! 'The Belgians,' says Grimm, 'have the greatest interest in the *Reinaert*; but who' he thus proceeds, 'has seen in them, this many an age, either attachment to, or care for, their mother-tongue? Deep self-forgetfulness ever produces its own punishment: from the fair Belgic region, where in the middle ages minstrelsy dwelt, all poetry has long vanished!'"

We now at length proceed to the poem; and, passing over the already mentioned prologue of old Willem, give what may be supposed to have been the original opening,—unless we ascribe only the first twenty-six lines to the continuator, and take the subsequent portion of prologue as belonging to the original poet. The reader will bear in mind that, although taken from two different MSS., the three volumes before us are all, old, modern, and French, versions of the work of Willem Utenhove. We translate from the modernized Flemish version;—the French is in prose, and poetry turned into prose is to us antipathetic as toad or snake.

"It was merry Whitsuntide
Wood and forest, far and wide,
Spring's green livery did sport;
When King Noble to his court

* We have given our reasons for quoting Grimm himself only through Willems.
† Hoffmann, in the Introduction to his new edition of *Reineke Vos*, of 1834, would deduct something from this eulogy of the Flemish text, for the benefit of his own. But he adduces no satisfactory proofs.

Call'd, a solemn court to make,
 All he could from field, wood, brake.
 Most obey'd the King's command,
 Great and small, a motley band.
 Reynard Fox, a trickster base,
 Shunn'd alone his sov'reign's face:
 His misdeeds so num'rous were
 That he durst not show him there.
 Conscious guilt avoids the light,
 Such was Reynard Fox's plight;
 Thence to court he seldom came,
 And that brought him evil fame.
 When the court was right array'd,
 All, except the Badger, made
 Loud complaints, strong language us'd;
 Red-hair'd Reynard all accus'd.
 Hark to one amidst the din!
 Isengrim, with all his kin,
 Audience of King Noble seeks;
 Isengrim the wolf thus speaks."

The wolf's harangue we cannot translate. Nevertheless, his complaint being the essential ground-work of the poem, the offence against him being the crime *par excellence*, constituting the very pivot of the plot, it is indispensable that we should impart its nature to our readers; and this we shall do with the utmost decorum, that is to say, the utmost of which the case admits. Reynard is accused of having caught his aunt, the wolf's wife, the beautiful dame Hersinde, in some kind of trap, that rendered her perfectly helpless, and then dishonoured her; and of having subsequently committed such further insults towards her and her husband in the persons of their children, that two of the young wolf-cubs had ever since remained irremediably blind. Cortois (Courteous?), the dog, next charges Reynard with having robbed him of a sausage; and Panser, the beaver, tells how he had seen Reynard about to devour Cuwaert (Coward?) the hare, whilst pretending to teach him to sing mass, when he had himself rescued the intended victim.

Tibert, the cat, and Grimberty, the badger, plead in behalf of Reynard: Grimberty, his nephew, urging that Hersinde's dishonour was voluntary on her part, and even habitual, she being passionately enamoured of Reynard; and that if he, the fox, has sinned, he has since repented, turned hermit, and

far from having designed to eat the hare, has vowed never again to taste of flesh-meat. Even whilst the badger is pleading, Chanticleer the cock is seen descending the hill, preceded by two of his children,—we think daughters,—who carry a bier, upon which lies his lifeless daughter, Coppe the pullet, just murdered by Reynard, and accompanied by two of his sons. Chanticleer comes to make his complaint to king Noble, and tells how his eight sons and seven daughters, all hatched in one brood, by his wife Rode the hen, had lived happily in a walled park, where the dogs who guarded them had successfully resisted all Reynard's attempts at invasion, until by craft he had eluded their vigilance and effected his nefarious purpose.

“ ‘ He as hermit came, Oh King !
 When the murd'rous thief did bring
 Letters with your signet seal'd.
 These I read, and they reveal'd
 How our comfort to increase,
 Wisely you proclaim'd your peace,
 Giving bird and beast command
 To observe 't throughout your land.
 Then, again false Reynard spoke,
 ‘ Having with the world now broke,
 Sever'd from its joys and state,
 To God only dedicate,
 Barefoot, I in cloister'd cell
 Expiating past sins will dwell.’
 Show'd his staff, brought from Elmare*,
 Cowl, cord, garment of horsehair.
 ‘ God be thank'd, Sir Chanticleer,’
 Said he, ‘ I, with this world's geer
 Now have done ; you 'll never hear
 More of my bold thievery.
 Flesh nor fat are now for me.
 Old, and tired of life's turmoil,
 Fits it I my soul assoil.
 I shall live for Heav'n alone :—
Tecum pax ! I must begone ;

* A Flemish priory, dependent upon St. Peter at Ghent, founded A.D. 1144. We have said, we wish not to argue upon the age of the poem ; but we must observe that merely incidental dates cannot prove it not to be anterior to the year thus specified, as nothing is more probable than the insertion or change of the name of a place by an improver of a tale. But they may prove it not to be posterior, because the poet of those days would alter for the sake of adaptation to existing feelings and circumstances ; not, as in later times, to give an air of antiquity.

Reynard the Fox.

I've no leisure here to bide ;
 Morning, noon, and eventide,
 I my breviary must say.'
 Reynard went, and I was gay.
 Mutt'ring through the wood he crept,
 Whilst my heart with pleasure leapt,
 Thinking our worst dangers o'er.
 To my family I bore
 This glad news, and led them free
 Past our park walls ;—woe is me !
 For the fox, with many a wile,
 Stole through thickets to beguile,
 Intercepting our retreat.
 On a chicken, young, fair, sweet,
 Then his hands I saw him lay,
 And with mock'ry bear away.
 Death now threat'ning all I saw,
 For in his insatiate maw
 Was my child so dainty found,
 That no watchman, nor staunch hound
 Longer could our lives protect.
 King ! my sufferings respect !
 Whetted thus his appetite,
 Reynard comes, by day, by night,
 On my children to regale.
 Daily I behold them fail !
 From fifteen to only four
 They 're reduced by th' evermore
 Murd'rous hunger of that beast.
 Yesternight he thought to feast
 On my Coppe ; but by force
 Our stout dogs regain'd her corse,
 Which upon this bier we bring.
 Your's, my cause, my vengeance, King !'
 ' Grimbert, badger,' Noble cries,
 ' In a strange unwonted guise
 Does thine uncle keep his fast !
 But, before the year be past,
 I shall teach his insolence
 Fasting true, and penitence !
 For thy daughter, Chanticleer,
 Foully murder'd, who lies here,
 (May the Lord her soul receive !)
 None to her new life can give.
 We can do no more for her ;
 Then with solemn rites inter.'''

The pullet is accordingly buried with all the church rites

of that day, and her fate inscribed upon her marble monument. This done, king Noble summons the fox before him, to answer for his misdeeds. Bruin the bear boldly and arrogantly undertakes the office of summoner, defying Reynard to dupe him. The fox receives the bear and his message most submissively, and avers that he should have been even then at court, had not his journey been delayed by an illness, the consequence of his having fed upon honey, either through poverty, or as a viand appropriate to fasting. At the name of honey Bruin's mouth waters; and with this bait Reynard, after more and more exciting his appetite, lures him to plunge his head and fore paws deeply into a half-cloven stick of timber, in a carpenter's yard, whence he, the fox, immediately extracts the wedges. Our-self confident messenger is thus caught as in a trap, whence he only extricates himself at the price of tearing off the skin of his head and fore feet, his claws, one ear, and part of his cheeks. In this melancholy condition he is compelled to fly, cruelly belaboured, and further endangered by the carpenter and his family, whom his cries and exertions have aroused.

Thus, half-dead, Bruin with great difficulty crawls, rolls and slides back to court. His leonine majesty's wrath increases at the sight of his ill-used messenger; and Tibert the cat undertakes the hazardous office in which the bear has failed. Him, despite their kindred and friendship, the fox similarly leads into a snare, by the promise of a granary full of mice. The circumstance of the cat's engagement with the village priest and his family are of those that cannot be detailed; suffice it therefore to say, that Tibert the cat returns to court, less personally injured, indeed, than Bruin the bear, but like him, deluded, affronted, and baffled; thus, yet further inflaming king Noble's rage.

The badger now undertakes the adventure, and acquits himself of his commission, rather as a friend of the culprit than as an officer of justice. He however convinces his uncle of the absolute necessity of his appearing at court, there to justify himself; and they set forward. Upon the road Reynard desires to relieve his conscience by confession to his nephew. He tells a tale of knavery and licentiousness; and Grimbert, after inflicting a few slight strokes with a twig

gathered for the nonce, and enjoining penitence and reformation, gives him absolution,—in virtue of what authority does not appear.

At court Reynard presents himself boldly, asserting his perfect innocence. All the animals, however, urge their several wrongs; justice prevails; and king Noble orders the offender to be forthwith hanged. Isengrim, Bruin and Tibert proceed hurriedly to erect the gallows; and whilst they are thus employed, Reynard contrives to excite the cupidity of the monarch and his queen by a story of his father's having found king Ermenrik's treasure; the secret receptacle of which at Hulsterloo is known only to himself. A promise to deliver up this treasure procures credence to another trumped-up tale of a treasonable conspiracy, and in the end, his pardon. But as he has been excommunicated these three years, on account of a trick played the wolf in a monastery, he announces his purpose of undertaking a pilgrimage to Rome, there to obtain absolution. He equips himself, indeed, in a fashion that might have awakened mistrust in a wise sovereign, demanding the skin of the fore paws of Isengrim and Hersinde for shoes, and a piece of Bruin's back for his scrip.

But Noble, although he too appears to have had cause of complaint against the fox, somewhat analogous to the wolf's, is credulous. With his whole court, the king accompanies the feigned pilgrim at his departure for a short space, sending the priestly Belyn the ram, and Cuwaert the hare, to escort him home; whither he desires to go prior to so long a journey.

Arriving at castle Malpertuis, his residence, the fox persuades the ram to await him a minute or two without, and the hare to accompany him in-doors, in order to see him take leave of his wife and children. He there murders the hare, and the family dine upon their guest. The next matter is to get rid of Belyn without exciting his suspicions. For this purpose Reynard returns to him, says that Cuwaert is still consoling dame Hermelyn, who, though recovered from her fainting fit, remains in great affliction; and asks whether Belyn will carry his letters to court, the king having charged him to write. Again we translate.

“ ‘ Reynard,’ said the ram, ‘ I know
Not where letters to bestow.’
Reynard answered, ‘ I ’ll equip
My kind postman with this scrip,
Which my pilgrimage should deck ;
This I ’ll hang about thy neck.
Now my messenger wilt be ?’
Belyn answer’d, ‘ Willingly.’
Reynard hied him back in haste ;
Took his leathern scrip, and plac’d
Deep within it Cuwaert’s head :
Laughing, then return’d, and said,
Whilst the burthen he secur’d
Round the ram’s neck, ‘ If assur’d
Of King Noble’s favour high
Thou wouldst be, permit no eye
These dispatches to behold,—
Hidden in the inmost fold
Of my scrip,—till, as is meet,
Laid before the monarch’s feet.
Further—Dost thou Noble love ?
Wouldst be honour’d from above ?
Say thou didst the letters write,
Counselling what to indite ;
Royal thanks shall pay thy pain ;
Royal favour ’s hard to gain ! ’ ”

The Comburg MS., which Willems has modernised, here ascribes to the ram only a word of assent, leaving the whole of the discourse to the fox. The Dutch MS., purchased at Heber’s sale is here, we think, more dramatic, and we continue the dialogue from the old version ; from which we may again borrow what we deem a heightening touch, without always stating the change.

“ Joyously upsprang the sheep,
‘ I at court shall praises reap
When I shall be known to write
Handsome words and phrases bright ;
Which indeed I cannot do.’
* * * * *
‘ But, say, Reynard, will the hare
Back with me to court repair ?’
‘ No,’ said Reynard, ‘ not so soon,
He shall go to-morrow noon ;
I must tell him many a thing
Much importing to the king.

Whilst thy letters hurry need.'
Then the ram bade God him speed."

The fox departs with his family to seek safety in the wilderness; whilst his silly, and not over honest dupe makes all haste to court.

" Belyn when King Noble spied,
And that round his neck was tyed
That same wallet, lately ta'en
From Sir Bruin's back with pain;
Greatly wondering, cried he,
' Belyn, whence so hurriedly?
Where's the fox? Why did he strip
From his neck that pilgrim scrip?'
Belyn answer'd, ' Every thing
Known by me, to you, oh king,
To disclose is mine intent.
Reynard, ere from home he went,
Ask'd, would I a letter bear,
Which for you he must prepare?
I replied, that for your sake
Seven I would gladly take.
Then, when I should leave his place,
Seeing I'd no letter-case,
He his scrip to hold them gave.
King, perchance you never have
Of a scribe more able heard:
Of these letters ev'ry word
Has been dictated by me.
Pleasing to you may they be!
But be good or ill the price,
Reynard follow'd my advice.'
Noble, scant in writing skill'd,
Botsaert*, who a clerk's place fill'd,
Summon'd, Botsaert, best who knew
Book-craft of the courtly crew.
Botsaert now was bade to read
Reynard's letters with all speed.
Botsaert with Bruinael the goose
Flew the burthen to unloose
From the ram's neck; they undid
The dark scrip wherein lay hid

* The editor states in a note, that he cannot discover in any text what animal Botsaert is; but conjectures him to be a bird, and that bird the buzzard. The old version does not say either what animal Bruinael is; and Willems does not state his authority for calling him the goose. We decide that he is the ass, *Bruncellus*.

Belyn's hopes, so falsely bred.
 Botsaert thence drew forth the head :
 Cried, ' Good Heav'n ! What may this mean ?
 Never was such letter seen !
 King, by mine own art I swear
 'T is the head of Cuwaert hare !
 Oh ! how deeply am I griev'd
 That false Reynard you believ'd !'
 Noble stood, confus'd, amaz'd ;
 And the queen her voice uprais'd,
 Shrieking as she frantic were.
 Noble's head in gloomy care
 Hung adown ; when he once more
 Lifted it, so dread a roar
 Burst from out his throat, the sound
 Terrified the beasts around."

At this line our able editor conceives the original Flemish poem to have ended, and the remainder to be the portion to which old Willem alludes, when he speaks of having compiled his work from French originals. He fixes upon this line, because in the very next paragraph, which introduces a new character, the leopard, king Noble is, for the first time, named by his French designation of king Lioen, a form of the word lion, by the way, which could hardly be derived from the Flemish *leeuw*. Nevertheless, Heer Willem's own modern Flemish version of the old poem is prolonged by some eighty lines, as in the first book of the old version by near a hundred : and we proceed with our translation.

" Then the leopard Firaheel
 Forward sprang ; he, wont to feel
 Bold because of royal blood,
 Brav'd the monarch's wrathful mood.
 ' Why, lord lion King, such groans ?
 Scarcely deeper were your moans
 Though your queen herself were dead.
 Check your sorrow, raise your head,
 And your wisdom's might reveal.'
 Said the King, ' Sir Firaheel,
 Of mine honour I'm bereav'd
 For so weakly I believ'd
 That false traitor to my state.
 Rightfully myself I hate !
 With mine honour, erst so bright,
 I have lost two friends of might.

Bruin bold and Isengryn*
 Has a murm'ring pilgrim's spleen
 Robbed me of. My heart 't will break!
 Of my life an end 't will make!
 Fira Peel replied, 'I will
 Own therein you have done ill,
 But can expiate your misdeed.
 Instant from their chains be freed
 Isengryn and Bruin bear,
 Also Dame Hersinde the fair:
 And their suff'rings and lost skin
 Recompense with ram Belyn.
 He deserves it!—He confess'd
 Reynard follow'd his behest
 In the murder of this day.
 Cuwaert since he could betray,
 He has sinn'd.—Death is his due.
 Reynard then we'll all pursue,
 We must take him presently.
 On some tree then hang him high
 Without trial, as is just! "

King Lion acknowledges that such an arrangement would greatly mitigate his regret; and Fira Peel hastens away to release the captives (they had been imprisoned in reliance upon Reynard's story of a treasonable conspiracy), and negotiate a treaty of reconciliation with them. This he accomplishes at the expense of Belyn, the ram, his family, and his whole race, whom he delivers up to the will and pleasure of the bear and the wolf, from that time forward until doomsday; whereupon the Belgic French translator makes the very new remark, *Quicquid delirant reges plectuntur Achivi*.

The Comburg MS. ends here, as does Heer Willems's modernized *Reinaert*. But the reader is aware that the old Flemish version of the poem edited by that gentleman, is from the Dutch MS., as it is called, and that it is from this version that our French prose translation is made. Both of these therefore give us the continuation, or second book; and these will henceforward engross our attention, although

* Heer Willems here spells the name thus, its usual form in the old version, after generally spelling it Isengrim; but gives no reason for the change. Must we guess, because he so needed it for the rhyme? That motive determined us to imitate him.

we purpose to dispatch this less ancient and less original portion more succinctly.

The first book contains four additional lines, announcing twelve days' prolongation of the king's high court, in honour of the reconciliation effected with Bruin, Isengrym and Hersinde. The second book opens in the midst of these twelve days, and shows the efficacy of the leopard's measures for the relief of the royal conscience, if not for the tranquillity of his majesty's kingdom and the safety of his liege subjects. We find the king, queen, and court in a course of music, dancing, feasting, and merry-making in general: but the revels are interrupted by fresh complaints of the incorrigible fox. The rabbit and the crow present themselves to charge Reynard, the first with having attempted to devour him, the second with having actually devoured his wife, that very day. And here we find characteristic marks of a later age, in the sort of little reasonings and axioms occasionally introduced. The crow, for instance, thus concludes his harangue to the monarch. We must observe that in the old version the metre is not, as in the modern, regularly trochaic, wherefore we take the liberty of here adopting the easier iambic octosyllabic measure.

"Your laws if you will see neglected
Yourself at last will be rejected.
The prince who does not punish sin
Partner himself becomes therein.
Each to be master then will seek;
Lord King, remember what I speak."

King Lion's anger revives with even additional intensity. He roars yet more tremendously than upon the former occasion, lays all the blame upon his queen, to whose advice, the offspring of covetousness, he should not have listened, and orders an army to be ready in six days for besieging Malpertuis. His directions for the equipment of this army include blunderbusses and bombards, thus making the date of this later part of the poem to be posterior to the invention of these instruments of destruction. Grimbert hurries off with the alarming intelligence to Malpertuis, where, notwithstanding the flight to the wilderness announced in the first book, we still find Reynard and his family. The fox again resolves

to go to court and clear himself by his address. Upon the road he confesses himself as before to the badger, and his confession includes another trick, previously unknown to the reader, played upon the wolf. Grimbert, as before, absolves, but upbraids him; and Reynard justifies his conduct in a speech of about 140 lines, replete with sophistical casuistry and libertine excuses, that fill his hearer with admiration of his understanding. Upon reaching the court, Reynard, with his wonted effrontery, surveys the assembly, kneels to the king, and thus addresses him.

“ ‘ May God, whose pow’r endures for aye
 Preserve my lord the King alway,
 And eke my lady, the fair Queen,
 Granting them wisdom, well between
 The right and wrong sentence to give.
 For many a one on earth doth live
 Who bears a diff’rent outward show
 From what his inward soul doth know.
 I would to God the truth were clear,
 At cost of what I hold most dear !
 * * * * *

To all your justice equal be !
 I ask no more. Enough for me !
 Let shame upon the guilty fall !
 I soon must be well known to all.
 I cannot flatter, fawn, and lie,
 But must an honour’d front bear high.’

Those who within the palace were
 Could but in silent wonder stare,
 So boldly hearing Reynard plead.
 The monarch answer’d, ‘ Though indeed,
 Reynard thy fallacies sound well,
 These falsehoods vainly dost thou tell.
 I am resolv’d this very day
 Thy neck for all thy crimes shall pay.
 * * * * *

From Lampreel, rabbit, and the crow,
 How well thou lovest us we know.’ ”

Upon hearing the lion’s angry words, the fox wishes himself rather at Cologne than where he is, thus preserving, even in the French portion, the Low-German locality. He, however, boldly pleads his cause, misrepresents the stories of the rabbit and the crow, tells a long tale about his uncle Martin, the ape, advocate of the bishop of Cambray, and is begin-

ning to feel triumphant, when the King brings forward the matter of Belyn and Cuwaert. Fear now succeeds to confidence; but dame Rukenu, the monkey, his aunt, and wife to Martin, wise, prudent, courageous, energetic, and the queen's favourite, takes up the cause. She quotes scripture, and reminds king Lion of the benefit he had often derived from Reynard's wit; especially in a cause between a man and a serpent, that had perplexed every body else. The man, it appears, had released the serpent from a noose, upon his solemn promise never to harm him. The serpent afterwards, becoming hungry, wanted to kill and eat his benefactor. Various arbitrators were appealed to by the man, but they chancing to be beasts and birds of prey, decided against him in hopes to share the banquet. He had then finally appealed to king Lion, who, utterly at a loss, had referred the question to Reynard, and this wily judge had observed that, in order to form a correct opinion, it would be requisite to see the parties in their original state, when the promise, which the serpent desired to break, had been made. The serpent, not quite in consonance with his established reputation for wisdom, had agreed; and when he had replaced his neck in the noose, Reynard had observed that now, neither party having won or lost, the man might if he pleased again release the serpent upon his promise, or go about his own business, leaving him to his fate.

We have given this fable in some detail to show the different character of this book from that of the other, where we have no such stories within stories. Is not this an oriental style, and may it not have been introduced by the Crusaders? But we must hasten to conclude.

Dame Rukenu, supported by the queen, so far prevails, that Reynard is allowed to justify himself, respecting this new accusation. He immediately, with exclamations of horror, affects ignorance of the hare's death, and asserts that what he had intrusted to Belyn for the king and queen was a present of the rarest description; to wit, three jewels of inestimable value, both from their beauty and power as talismans. These he describes in upwards of 570 lines, great part of which are occupied with fables and stories explanatory of the images carved upon the imaginary jewels.

He then reminds the king of other services that he has rendered, and is again confident of acquittal, when the wolf returns to the charge, and once more urges the outrage perpetrated upon Hersinde. This Reynard positively denies; alleging that he was kindly endeavouring to release the lady, and that Isengrim's jealousy had blinded him. In the end a combat in the lists between Reynard and Isengrim is appointed.

The fox is considerably disconcerted at the necessity of fairly encountering so formidable an antagonist, even weakened as the wolf is by the recent slaying of his fore-paws. But the friends and kindred of the fox assemble round him during the night, fortifying him with stolen poultry; and Dame Rukenu gives him advice for the combat, the only part of which that can possibly be communicated to readers of the present day, is to shave and grease his whole body, so as that it may afford the wolf no hold. To describe the duel is similarly out of the question. Suffice it to say that, by a series of dirty tricks, and sly attacks upon the most susceptible parts of the animal frame, Reynard conquers. He is of course acquitted; and returns in triumph to Malpertuis, accompanied by all his friends, and by many whose good will, real or apparent, his victory has gained him.

The poem concludes with a satire upon all conditions of men, emperor and pope included; all of whom, at least all who succeed in the world, are averred to do so by practising the arts of Reynard, which the French translator terms *Renardie*.

Heer Willems's volume of the old poem contains further, by way of appendix, the before mentioned poetical conundrum upon a name, a specimen of a Dutch Reynard, with a fable or two upon the same subject; a number of old, and of somewhat, though not much, more modern proverbs, relating to the fox and the wolf, and a portion of the old French *Roman du Renard*.

With respect to the ability with which Willems has executed his task, our opinion has been sufficiently intimated in the course of our remarks, to supersede the necessity of here more explicitly stating it. We have only to add that his versification in his translation or modernization is easy and spirited. With regard to his Belgian French translator, we

must say that this gentleman appears to have performed his part with a negligence or a precipitation that would, in this country, be esteemed disrespectful to the public. He frequently misrepresents the sense of the original,—we mean even in his translation of Willems's Introduction,—sometimes turning sense into nonsense. And lest we should be told that a Belgian must needs understand Flemish, ancient or modern, better than we can pretend to do, we must state one blunder, which the book itself affords the means of verifying. Willems, in speaking of the copyist's conundrum upon his own name, calls it *een raedselachtig gedicht van zestien regels*; *anglicè*, a riddling poem of sixteen lines. This the translator renders *une soixantaine de vers énigmatiques*, thus transforming sixteen into sixty—a metamorphosis that might occasionally be convenient if feasible! We laid down the pen in amazement, and opened our dictionary, to ascertain whether we did or did not know the meaning of *zestien*; and even when supported by lexicographical authority, still felt dissatisfied. Eagerly we turned to Willems's appendix, sought out the enigmatic poem, counted the lines, and found them precisely sixteen!

ARTICLE III.

1. *Journal af Petrus Læstadius för första Året af hans Tienstgöring såsom Missionaire i Lapmarken.* Stockholm hos Haegstrom, 1836.

(*Journal of Peter Læstadius during the first year of his service as a Missionary in Lapland.* Stockholm, 1836.)

2. *A Winter in Iceland and Lapland.* By the HON. ARTHUR DILLON, 1840.

THE Laplander is viewed with interest even in his own country. The striking contrast of this pigmy-sized, black-haired, yellow-skinned race, to the bulky, flaxen-haired, blooming Norwegian, or the compactly built, sinewy Swede,—the total difference of language, habits, mode of living, and, in short, of moral as well as of physical existence, make this

the most remarkable tribe among the European people. It is the least mixed of aboriginal broods of mankind, the least changed by conquest, commerce, or civilization. The Laplanders of the present day are still the Fenni of the days of Tacitus—"a people without arms, without horses, without homes, clothed in skins, sleeping on the ground, sheltered only by branches of trees twisted together, from the weather or wild beasts; yet preferring this life to labouring the soil, confinement in fixed dwellings, and the cares and anxieties of civilized life." "They have nothing to lose, and have attained," says the Roman, "that difficult point of having nothing to wish for."

This people has no history. They have never entered into social union beyond the pairing of the sexes and aggregation of the progeny round the parents. This is a social state to which even the irrational animals attain; and man, in the hunter, the fisher, and the shepherd states, can scarcely go beyond, because those modes of life require space and solitude in every country. The hunter and shepherd must have the range or pasture of a hundred hills. To them, and to the fisher, a neighbour is an intruder and an enemy, consuming their means of subsistence. These have never been the primitive states of man as a social being. The theory of three states or gradations, the hunter state, the shepherd state, the agricultural state, through which the human race has past before social institutions and laws were formed, is a dream,—a theory without other foundation than the authority of the philosophers who have expanded it into volumes. Where men have found their subsistence by hunting, or by pasturing flocks, in that state they have remained from the earliest period to the present day, without improvement, or change, unless from conquest or external influences. These conditions of life are immutable, and have no principle of improvement in themselves. All the African and American, a great part of the Asiatic population, and this remaining aboriginal tribe of the European, prove the unchangeable nature of those primitive occupations; that they are opposed to all social arrangements or improvements; and that a people subsisting by them remain for ever in the same uncivilized condition, without motive or means to emerge from it.

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What then have probably been the first civilizing causes in human existence, since they evidently have not been the occupations which produce food in a state of nature? If we cast our eyes over a map of the world, we find the earliest civilized countries to have been those which, although watered by mighty rivers, are not well watered, not supplied at all times and seasons with springs or small running streams to which the inhabitants could resort without interference with each other. Water has probably been the first want which congregated human animals in numbers to one spot; which first induced them to associate for the attainment, defence and appropriation of that spot, where alone water could be obtained at all seasons. Water has been property before land. The Scriptures tell us of a property in wells, before land was appropriated; and the natural truth of this scriptural account is curiously corroborated by the state of property, in a similar state of society, among the nomadic tribes, of which the traveller in Australia, Mr. Mitchel, gives an account, and among the people of whom the works before us treat. From the supply of food which the lakes and rivers afford, the waters have been appropriated in Lapland before the land; and a right of property, Læstadius tells us, in the fishing of a lake, is claimed, where the land of its shores is still the undivided property of all. If Lapland had been like India, Egypt, Mexico, and all countries of early civilization, but sparingly supplied with liquid food, except on the banks of great rivers, to which all the population must at certain seasons resort for obtaining this necessary of life, the appropriation of water would, as in those countries, have produced law, social arrangement and civilization, from the first existence of the human race.

It is evident that, from the very nature of the want, this most ancient of all kinds of property could not have been individualized; it must have belonged to all the members of the society, and which all were equally entitled to use and equally bound to defend against all other societies. This is an important consideration in speculations upon the probable origin of property. In the earliest subjects of appropriation, society has been the first owner; and individuals have only acquired rights from society. Society has not been entered into by man in order to

protect and defend by laws and institutions individual property, and the peaceful enjoyment of it, but to secure to all the common property in the goods of nature. The exclusive right of individuals has only been acquired after the establishment of this prior right of society.

This speculation is not so very empty of consequences, in reasoning upon these subjects, as at first sight it may appear. The right of every man to do with his own as he pleases depends, as matter of principle, upon the question, whether society was instituted for the protection of individual rights, or whether society was not the first proprietor, and individual rights but derived from society,—but modes of holding the general property sanctioned by society, as the best and most beneficial for the interests of all, but, in virtue of the prior inextinguishable natural right of each individual of the society, subject to such modifications as the common interests of all may require. All legislation and government relative to the rights of property turn upon this question. In speculations on the nature of human society, extremes often approximate wonderfully. The prior and predominant right of society in property, and the axiom, that individual rights of property are but encroachments upon the natural rights of man as a member of society, are extreme principles of liberty and equality; yet in fact and in just reasoning they are also the extreme principles on which is founded despotism in governments and laws. It is as head of the state, as the concentrated essence of the society, that the despot meddles with person or property; and societies are only free in proportion as individual rights of property are safe and respected. These encroachments on the natural rights of man, which carried to the extreme, constitute the rights of despots, are the only bases of liberty also, of civilization—of all that distinguishes human society from the aggregation of brutes in families and herds.

Owing to their shepherd state, and the absence of those wants which in other climes have congregated men into society, the Laplanders have never advanced so far as to have any common polity. They have in all ages been a few families widely separated from each other by the nature of their occupation—the pasturing of herds of rein-deer over a vast table land studded with mountains of no great elevation.

If similarity of name and language may in the absence of all historical record be founded upon, few nations have occupied so large a portion of the surface of the earth as the original stock of this race. Their language has been said to be the same as the Magyar language of Hungary. It is more certain that from the Vistula to the White Sea the Finnish tongue is more or less mixed with the dialects of the inhabitants, and that the Finnish and Laplandic are the same language*. Lapland, Lapmark, Laplander, are in fact only local Swedish appellations of the country and the people. They call themselves *Suomi* or *Sami*, as observed by Mr. Dillon, by which name the inhabitants of the province of Finland also call themselves. It is apparently the same name by which the cognate people, the *Samoiedes* or *Samogithia*, who extend from the White Sea into Asia, are known. The root of the word, *Suome*, *Same*, or *Samoi*, means the inhabitants of the morasses or lake country. The *Finni* of Tacitus, and the *Fins* of the modern Teutonic languages, by which the same people are designated, are names derived by translation from this word *Suomi*. *Fen* is a word still retained in Swedish and English to denote a morass or lake; and *Suomi*, *Fenni*, *Fins*, are words of the same meaning, applied to the same race. If the colour of the skin, the size and shape of the frame, and peculiarity of eye, be marks distinctive of origin, this ancient race includes in its branches the *Esquimaux*, who appear a different people from the other North American tribes. Mr. Dillon remarks this similarity of appearance.

The proper Laplanders are but a handful of people, not exceeding 8000 individuals. They alone use the rein-deer in a domesticated state, and for drawing their sledges. The *Samoiedes* and the *Esquimaux* use only dogs, although the rein-deer exists in a wild state in their countries. Of these 8000 Laplanders, about one half are subjects of Sweden; the others belong to Norway or Russia. They pay scot, or tax, and heavy church dues to the Swedish, Norwegian, and Russian authorities. This tribe of the Finnish race has probably never been more numerous. Their means of subsistence, the pasturage for their rein-deer, the game in their woods, and the fish in their lakes, must in all ages have been in equal plenty; and culti-

* A few words in the Gothic of Ulfilas and other ancient Teutonic languages are presumed to be Finnic; but with the Magyar it has no connection whatever.

vation, or appropriation, has not to the present day increased or diminished these means. Of the ancient idolatry of this people nothing is known. It is doubtful whether they had a superstition of their own, or had adopted that of Thôrr or Odin from their Norwegian and Swedish neighbours. The Scandinavian Northmen appear to have had no spirit of proselytizing in their conquests. They appear to have had no wish to convert even their captives to the worship of Odin; and it is probable that the Laplanders had some superstition of their own, as they had a language of their own.

When we consider the common language and common religion, comprehending often very complicated systems, which are found extending over tribes, who cannot, from the nature of their subsistence, ever congregate together and communicate with each other in any considerable numbers, it is impossible not to come to the conclusion that what is called the natural state of man, the hunter or shepherd state, is not the original one from which the human race has advanced in the course of ages to civilization, but that to which it has retrograded from an originally higher condition. It would be more easy to prove from the structure of even the most barbarous languages and religions, and from the abstruse ideas expressed or involved in them, that where man now exists in the most uncivilized and savage state, a time must have been when he existed there in a far higher state, than to prove that he could ever have attained in his uncivilized present state the expression of abstract ideas, and relations of thought, in language, or the conception of his religious tenets however absurd. The step from the rudest state in which the human animal has ever been found to the highest stage of civilization is nothing compared to the step between the state of nature, the state in which mental power has not been developed, and that rudest state. In the prairies of America, and on the steppes of Asia, there are found indications of a population who have been more advanced in civilization than the wandering hordes now subsisting there by hunting or pasturage: but these indications, physically exposed to our observation in buildings, walls, tumuli, arms, ornaments, or useful articles, are far less conclusive of a pre-existing intelligence and social condition of mankind on these continents superior to the present, than the remains to be found in the composition

and structure of their languages, religions, and customs, and which show a greater development of mental power than is consistent with their present condition. The Laplandic is said to be a language singularly complicated in its structure, and expressing relations in single words, which pre-suppose a close population for their adoption. Inhabitants of cities and of densely peopled countries may express in single words, and by varied terminations, the relations of time and place; but a thinly scattered population can only adopt generally the same names for objects, and will naturally resort to the use of auxiliary verbs and prepositions to express the relations, and other circumstances, and modifications of their ideas, instead of distinct words appropriated to each change. But these are speculations which would lead us far from Petrus Læstadius and the Honourable Arthur Dillon.

It was the 12th century before Christianity became the prevailing religion in Sweden; and even so late as 1230, marriages were not generally celebrated according to Christian rites. In Lapland, Christianity appears to have scarcely existed before the Reformation. The Danish and Swedish governments deserve the praise of having done since the Reformation all that governments can do for extending Christian knowledge among the Laplanders. In proportion to the small population, the number of ministers, missionaries, catechists and schoolmasters has been very great; and probably no four thousand people in Europe have been so amply provided with religious instructors as the body of Laplanders belonging to each of these governments. The effects have not been commensurate to the means. The difference of language between the pastor and his flock, the want of ideas as well as of words common to both, the vast extent of country, in which parishes necessarily are equal in extent to large counties, the nature of the means of subsistence, in search of which the people in their ordinary course of life, migrate from the shores of the Bothnian Gulf to the North Cape, and are perpetually moving with their herds, and some defects in the means themselves, in the church arrangements for instructing this people, may account for, if not excuse, the deficiency of effect. Besides the Laplanders, a population, now more than double their number, of agricultural colonists from all

parts of Sweden has, at first gradually, and of late very rapidly, accumulated in such parts of Lapland as admit of cultivation and the pasturage of cattle. The introduction of the potatoe, although it ripens but imperfectly, has extended the limits of husbandry; and in parishes originally founded for the wandering Laplanders, there are now settled congregations of colonists from other parts of Sweden, living by husbandry on the banks of the rivers and lakes, and requiring the undivided attention of the clergyman. The wanderers, the Laplanders, appear as formerly, at their stated season for visiting the district, as the extent of the labours of the colonists scarcely interferes with their kind of pasture grounds; but they are not now the sole or the principal object of the pastor's care. Missionaries, or ambulatory ministers, and catechists to teach reading and the principles of religion to the Laplanders in their own language, have become necessary. One of these missionaries, Petrus Læstadius, the son of a colonist, and descendant of a minister in Lapland, published in 1836 "A Journal of his first year's service as a missionary in Lapland." As a native of the country, and speaking the Lapland tongue from infancy, his information and observations are new even to the Swedes; and are more to be depended upon than any which the mere traveller, whether Swede or foreigner, can gather in Lapland. There is besides a simplicity of character about the worthy Petrus, humour, naïveté, scraps of learning from Upsala, and the sunshine of a contented mind, which give an interest to his recitals. He is as fresh to us, as the subject of which he treats. It is but justice to let him tell his own tale, and give his own information in his own way; and as his work is not accessible to many English readers, we shall translate a few passages.

"I had now, as I have told you already, come to Arjeplog, to
'My father's grave beside the well-known stream.'

Here had my ancestors been pastors from the days of Carl Gustavus to King Adolph Frideric's, in an uninterrupted series, son after father. The last was my grandfather who, at his death in 1755, left only eleven children behind him; the youngest born a week after his death, and the two eldest just then on their way to the Gymnasium at Hernösand. I bring forward unwillingly my own personal concerns into public notice, partly because it is of little importance to know them, and partly because, I must confess, I am not wholly and entirely free from the prejudices of this world, among

which is that of being ashamed of one's poverty. But since I do not scruple to expose the wants and weaknesses of others, I am bound to do the same with my own. Besides it may, for many, be a new peep into human nature, and may illustrate in general the way of living and state of society in this corner of the world; and which after all is the main object of my writing. After my grandfather's death the whole family removed, bag and baggage, to Pitea. In those days the land between Pitea and Arjeplog was entirely a desert. Reindeer, the Laplanders' all in all, which even in winter forage for themselves, were the only draught cattle. My father was apprenticed to a goldsmith in Stockholm, as means were wanting for supporting him as a student. He became a pupil in the Mining College, married in Stockholm, and removed in 1772 to the silver mines at Navalsiela, where he was employed as an inspector. The concern was far from profitable to the undertakers, and their inspector was paid accordingly. His salary was 900 copper dollars, or about 50 dollars banco (about four pounds sterling) yearly: and this not very enviable post he lost in consequence of some radical reform in the economy of the establishment. He would now turn colonist, or agricultural settler, but failed altogether in the undertaking, and fell into the most abject poverty. Neither he nor his wife had the sort of handiness, skill, and experience necessary for a new settler; and as to hiring assistance there were neither means to hire with nor people to hire. He was obliged to give up the lot of land he had taken, and he took up his abode in one of the houses on the kirk-green of Arjeplog, employing himself in boiling glue from reindeers' horns, which he found a more suitable trade for him than clearing land. In the meantime he became a widower, and entered, in 1799, into a second marriage with the daughter of a poor colonist, he being fifty years of age, and she about forty. Of this marriage were born Lars Levi Læstadius, now pastor of Karesuando, and myself. At the beginning of this marriage a new attempt was made at becoming a colonist. He settled himself upon a deserted clearance, or land allotment, at the west end of the Hornaälven lake, called Gackviek. It is a horrible spot, situated at the back of a snow-clad mountain hiding the sky, called Pelje Kajse. The soil was almost entirely of small stones, with scarcely any earth, and on every side were wet mires. It was the native land and metropolis of the nation of musquitos, and innumerable myriads swarmed around in the air, forming a kind of connected cloud during the short summer; while with the first evenings of autumn, a cold vapour, rising from the marshes, covered the scanty vegetation with a hoar frost in the mornings. It was six wearisome miles* to church, and not a living soul on the road. In summer even it was often difficult to get to it on account of storms; and in winter it was almost impossible to drive with a horse, because of the deep snow and the broken ice masses upon the lake of Hornaälven. In this Hades my parents settled, but soon found, as several colonists had before, that it was impossible to live here. My father was absent the greater part of the winter, being occupied in driving down to the Low country with reindeer what little he had to dispose of, and in bringing what was needful back, such as meal and salt; and as he had no Eden

* Forty-two English miles.

to return to, and was liked in the hospitable circles of the coast-side peasants, it is possible he made no strenuous efforts every day to get home. One may conceive a woman's situation, sitting alone with two infants in the shadow of the mountain, the whole long winter, without a human being to speak to, without coming to a church, or seeing a single living person in the desert. The silence of the grave reigns over all, unless broken, perhaps, by the howl of a wolf from the mountain-side. She must do everything, nurse the children, clean the house, fodder the cattle; and in case of sickness what was to become of them? After trying two or three winters they abandoned Gackvick. My brother, Lars Levi, was born here. We afterwards passed a winter at Buoki, a mile* from the church, with a hospitable colonist, and I was born in his house. The females of the higher classes, with all their abundance and incomparably happier situation, may envy the poor woman who with toil and care makes out a scanty and uncertain living from day to day in this desert, for her incomparably easier lot in childbirth. My mother had worked all day at cutting and bringing home birch branches, a common winter fodder for cattle. She went to bed, and before the people could come to her assistance, or light the fire, I was born. Next morning at day-break the colonist ran to the church on snow-skates, bearing the infant in a hollowed piece of a tree, in which Laplanders carry their children, covered with a skin from the cold, to receive its baptism. It had been impossible to do this from Gackvick, so that Lars Levi got only an interim-baptism, or lay-baptism, at his birth. The following year my parents settled themselves at the church of Arjeplog. Here they supported themselves by fishing, boiling glue, and a little dairy produce. My mother contrived to gather with her bare hands the stalks of grass among the stones, which others neglected, and the coarse rushes in the mires, and thus to keep two cows and some goats and sheep in a place well known to be badly provided with winter fodder. The hay collected in summer she had to bear home in winter, and had also to carry home the wood for fuel, and to dry the fish for winter use. The children had to be left alone all day in the house; and to prevent accidents, the one was fastened to the foot of the table, and the other to a post at the chimney corner. This was a needful precaution; for once that we had been left loose, one of us was found with a severe burn from the embers, and the other had wandered into the forest. How unequal are the conditions and circumstances of men! At that time all the settlers in Arjeplog were sunk in the deepest poverty; few could say that they had daily bread. Their children were brought up in want and misery; but in the whole parish none were so wretched and despised as we. We were the lowest among all: with us none would acknowledge any relationship; for riches and good clothes have a wonderful power over the human mind in the lowest as well as in the highest sphere. The worm crawling in the dust appears contemptible to vulgar eyes; yet Providence hatches from it the butterfly, which engages the attention and reasoning powers of the philosophic mind. Whatever may be my fate in this world, my first appearance in it was in a bed of a hollowed tree, and

* Seven English miles.

my last will be in one of four boards. But be outward circumstances what they will, the soul knows of no inferiority; the thinking spirit, no poverty.

"In all our wretchedness and struggle for the most scanty and indispensable sustenance, our parents never forgot nor deferred the teaching us to read. When we could scarcely speak we were taught Our Lord's prayer. That was each morning our first, and each evening our last words. Our mother spared no labour to teach us to read in a book. At five years of age I could read any Swedish book readily, and could at six give reasonable answers on the principal points of Christianity. The best sermons could never have produced the same effects with me as her simple advice and exhortations; and if it be true that we learn for the business of life, not of schools—*non scholæ sed vitæ discimus*—of all my teachers, all of whom I recollect with gratitude and respect, to my mother I am most indebted. Peace be with her ashes.

"I have now given an account of myself at some length until my sixth year, and have done so because it gives some idea of the country and way of living, and may be interesting, as the situation is not mine alone but is that of many. From my sixth year I was removed to another condition, more similar to that of boys of other countries. My eldest brother, the oldest son of my father's first marriage, had completed his studies, and had already taken his degree as *Philosophiæ Magister*, at the time I was born. He had begun his studies at the school of Pitea, while my father was inspector at the mines, and could in some shape assist him. He came from thence to the Gymnasium at Hernosand, where he helped himself by going into service; and in the same way, afterwards at Upsala; and he was even able out of his servant's fee to help his poor parents. To be better able to do so was the reason of his coming back to Lapland, where neither knowledge, talents, nor ability can bring a man forward, but only time and length of service, of which observation he is an example. He was appointed assistant minister to the remote charge of Quickgoek, and this was the narrow sphere of his activity, and finally his grave. In the year 1808 he took us, his brothers, to live with him, and kept and instructed us for eight years, when he sent us to the Gymnasium at Hernosand. Since that time my course of life has been very like his. He died in 1817, leaving a widow and six small children in great poverty. I was appointed on the 23rd of December 1826, by the consistory of Hernosand, to undertake the missionary service in Pitea, Lapmark. This service was established in 1820, instead of the stationary Lap-school which had existed since 1740 in Arjeplog. The instructions of the missionary are, that he shall at all seasons of the year, when possible, visit the Laplanders on their migrations, and give them instruction, and especially oversee the labours of the catechists. Of these there are six, four in Arjeplog, and two in Arvidsjaur, and they are a kind of ambulatory schoolmasters, each of whom, in his own territory, travels about in the same way as the missionary."

Our missionary considers the ancient establishment of fixed schools as more effective means of instructing the wandering

Laplanders, and improving their condition, than the new plan of having wandering missionaries and teachers. There were within the Lapmark still belonging to the Swedish crown, five full schools, at Asele, Lycksele, Arjeplog, Jockmock, and Gellivare; and two half schools at Juekasjörve and Karesuando. A full school supported at the public expense six Lap-children during the time of their instruction, which was generally for two years. The schoolmaster boarded these children as well as taught them; and was allowed a salary of 5-4 toude, or about twenty-seven quarters of corn, paid partly in money at the market price. Læstadius considers, and perhaps justly, that the living in a house and in a civilized way was, besides the attainment of reading, a course of education in itself for these children, and gave them habits and ideas, which by degrees would spread and influence considerably the rest of the community: while the instruction that can be given in reading amidst the confusion of a Laplander's tent, in which dogs, children and people are all huddled together for a day, must be very imperfect; and as two or three families cannot subsist their herds in one spot, the time of the teacher is consumed in wandering from one to another; and he cannot give above a few days yearly to each pupil, if he is to visit and teach equally and impartially. The improvement of their habits also is totally lost sight of, as the teacher must accommodate himself to the wandering Laplander's life,—not the pupils to the civilized habits of the teacher. A Laplander accustomed in childhood to the Swedish way of living, can more readily go over to the condition of a colonist, and become *Swedified*, as they term it, than those who have grown up in a wandering life. It is only from necessity that these settle; and it is generally to the worse condition of fishing Laplanders that they betake themselves; as they have still the same way of life, although in a different form and under worse circumstances. When the wolf has reduced the Laplander's herd of reindeer so low that they can no longer support his family, he continues to live as before, until he has slaughtered the last of his deer for food, and then becomes a fishing Laplander. Of this class our missionary says,—

“He is not ill off, the fishing Laplander, but lies in abundance when the

fish will take bait or can be got in nets : but he has nothing to eat but fish. He consumes as much at a meal as would make ten portions at an eating-house in Stockholm ; and when he has emptied the pot he drinks the juice, or water in which they have been boiled, and lies down to sleep. Fish juice is particularly soporific. The fishing Laplanders dwell in wooden wigwams, built here and there at good fishing-places. Some seasons fish are got in one lake, and other seasons in others ; every year is not alike in the same waters. The fishing Laplanders remove as they fancy fish are to be found, and often suffer great misery from being disappointed. The fish which they have over and above the food for the day, are hung up and dried, and are kept as a store in case of the fishing failing. If they can get a goat or two they are on the way of becoming colonists, and stationary in their habitations.

"The nomadic Laplanders are of two kinds, mountain or *fjelde* Laplanders, and forest Laplanders. There is between these an essential difference in the way of living. The first live during the summer on the *fjelde* ; the latter among the woods of Lapland, which cover about three fourths of its surface. By *fjelde* is meant high mountains which are not covered with woods, but are bare, and in the highest parts covered with snow even in summer. This is the proper meaning of the word *fjeld* ; but sometimes it is applied, especially by those who dwell in the low country, to certain sterile tracts and ranges of hills, of which the inhabitants are called *fjelde-dwellers*, or mountaineers ; and the whole of Lapland is in this sense called *fjeld* country. The chief map of the Laplandic *fjelde* is the Norwegian mountain-ridge, or keel, as it is not unaptly called, of the peninsula. This extends itself, as is well known, nearly north and south, and runs in the northern part of Scandinavia quite close to the Norwegian sea coast ; so that Norway here is very narrow. The *fjelde* ridge slopes gradually on the Swedish, but altogether steeply on the Norwegian side. The boundary between the kingdoms follows the extreme summits, and is therefore quite close to the Norwegian habitations, but very distant from the Swedish. From this main *fjelde* ridge many branches run out to the eastward, often at right angles to it, and generally become lower and lower the more they advance eastward, and at last are lost in the plains. Between these *fjelde* branches, the main waters of Lapland running into the Bothnian Gulph, the Lutea, Pitea, Skelleftea, and Umea rivers, have their course. Their sources are in the main ridge, and their tributary waters from the side branches of the *fjelde*. These rivers and mountain-branches guide the *fjelde* Laplanders in their migrations, which are always along and never across them. In autumn and spring the mountain Laplanders keep high up in these cross branches of the main ridge ; and here they have their principal homegrounds called the autumn station (*fjakt-ja-saye*). These are situated on the forest edge (*orto*), that is in the tract where trees cease to grow, on the border between the forest and *fjelde* land. These side branches of the main *fjelde* ridge are covered with woods to a certain height. At his autumn station the Laplander has his storehouse (*vjalla*), that is to say a very little house, or rather a big box of boards fastened to-

gutter, and stand high up in the air on the top of a spar, which, the lower end being fixed in a hole in the ground, stands vertically with the house or ice on its other end. This post is intended to save the goods from the gnats or ticks, an animal very destructive to the storehouses on the plain ground. With his strong and sharp teeth he bites through roofs or doors of common storehouses, and devours every kind of meat he finds in them, and carries out and destroys what he cannot eat: he is not able to climb up this single upright pole. The Laplander has often his shed also, *lasec laseps*, beside his storehouse, that is a roof without walls: this roof rests on four such upright poles, one at each corner: under it the clothes are hung up, and also fish or meat to dry, and in summer all the winter utensils, sledges, snow-shoes, reindeer-harness, and such articles are kept here. About the end of summer, when the Laplander is migrating eastward to the coast, he leaves in his storehouse his spring meat, that is the meat or other food he proposes to live upon next spring: for at that season he cannot slaughter reindeer, because they are not fully emaciated, but their skins are useless, being pierced with innumerable small round holes made by the larva of an insect, which, during the whole winter takes up its abode under the skin of the reindeer, and creeps out in spring and becomes a fly. A skin at this time is almost like a sieve. This larva is called in the Lapland tongue *kurtma*, and the insect itself, *slantza* or *sunkok*, which, however, are probably two distinct species. The Laplander, immediately after mid-summer, migrates up to the high field, where the flies and pasturage oblige his reindeer to take refuge: here he remains all July and half of August, and often goes over into Norway. During this time the mountain Laplander milks his reindeer, and makes cheese of the milk, as well as using it in his family, and brings back the cheese with him, or perhaps sells it in Norway for wadmál, that is coarse woollen cloth, or for sheepskins, or for brandy. About the middle or end of August he begins to migrate back towards the east in short day's journies, stopping on the way according to circumstances. About the beginning of September he is back at his autumn station or storehouse, before described. Now if it be peace, that is, if there be no wolves in the neighbourhood, he lets loose his reindeer herd to wander according to their own instinct, where each may chuse to go. By this freedom they thrive better and become fat. They do not wander, however, very far from their usual well known haunts. He collects them together again about the beginning of October, when their own instinct also assembles them, that being the beginning of their rutting season, and slaughters the rutting or male reindeer, taking care, however, to kill them before they have begun to rut, as after the season is begun the flesh is rank. He stops at his autumn station until about the middle of November, when the lakes begin to be covered with ice, and to bear, and then he begins to draw down towards the forest, and proceeds, with more or less haste, to the low country, and the coast of the Bothnian Gulph. The wolves determine his migrations about this time. If they have given him a salutation, he hastens from the spot, for fear they should come again, and hies to the tracts where he hopes there are none, and often comes down

even to the shore of the Bothnian gulph. In the month of April he begins to bend his way westward again. If it happen in the last half of April, that the snow is melted in the daytime by the heat of the sun, and freezes hard again at night, he proceeds with all expedition to avail himself of the good travelling. He does not take time to put up his tent, but sleeps as he can in the middle of the day, and travels all night. He comes about the beginning of May to his storehouse, or autumn station, and so concludes his tour. This is the round of the mountain Laplander's yearly mode of life. He lives entirely by his reindeer herd, and neither engages in hunting nor fishing. Some may have at their autumn station a few fishing materials, if it be near a lake, otherwise not; and as to hunting, there is no game but ptarmigan, on the high fjelde. Some of the poorer Laplanders may occupy themselves both with catching fish and birds, and about the pairing season they take the capercaillie in snares; but this is no part of the regular occupation of the mountain Laplander."

These details of the way of living of this class of the nomadic Laplanders appears to us highly interesting, as a picture drawn not by a mere passing traveller, but by a man living among the people he is describing; and as a picture showing that even in this lowest state of European civilization the human mind is not inert, but forethought, experience and prudence are called into action. The mental powers may be developed as fully in this way of life, we imagine, as in a cotton-mill. We shall proceed with our missionary's description.

"The forest Laplander again leads the following life. During the whole summer he remains in the woods of Lapmark, and undertakes no distant migration. Each of this class of Laplanders has his own certain district of country, within which he holds himself. Here he has a great number of wooden huts built at suitable places, from a quarter to half a mile* distant from each other. At each of these huts there is a shed, and also an inclosure; that is, a little space fenced round, within which he drives his reindeer to be milked in summer. The cheeses are laid under the shed to be dried. At several of these stations there is a store-house, but especially at the principal one, where he usually stays. I shall begin his history with spring, when he comes back from the low coastside country. As soon as he returns to his pasture district, which is about the end of April or beginning of May, he lets his reindeer go wild. They may wander where they will. He is altogether free from any charge of them, or looking after them, until the end of June, or about midsummer. During this idle time, he occupies himself with hunting and fishing, which are regular secondary occupations for all forest Laplanders. He begins immediately after midsummer, when flies

* One and three quarters to three and a half miles English.

begin to swarm, to look after and gather together his reindeer. It is done in the following way. Each person goes through his own forest tract, collecting together all the reindeer he finds in it. There are certain spots which the reindeer seek of themselves, when plagued and driven by the flies—these are places open to the wind to drive the flies off. The Laplanders knowing this, first seek them in those spots, and when they catch one fasten a bell on his neck. They drive this one along with them, and a herd soon collects about him. Instinct leads them to herd together, as they are much less exposed to the insects when pressing together in a crowd, than standing single and exposed on all sides to their tormentors. When they hear the bell, to which they have been accustomed, they run towards it to meet the other deer. In this way all in one district or ground, are gathered to one spot. But these deer belong to many owners; for at this driving of the deer, no one makes any difference between his own and any other man's: the business is to get them all gathered. The separating each man's deer goes on in this way. Each Laplander goes to his next neighbour and takes from the herd he has collected all his own deer, and also those belonging to the people who live on the other side of him: thus, if he goes to a neighbour immediately to the north of him, he takes not only his own deer, but all those belonging to Laplanders living south of him, however distant. His neighbour immediately south of him pays him a visit, and makes a similar clearance of all he has gathered or received. In this way, by fixing on days for dividing their herds, and a perfect understanding among themselves, in a couple of weeks every one has his own herd again collected under his own eye. During the whole of July, and half of August, the forest Laplander holds his deer in herd, or in *sylning* as he calls it. The female deer (*vajor*) are milked during this time. They are driven two or three times a day into the small inclosures above-mentioned. Here fires are lighted in different places, and damp turf laid on the fires, so as to give out much smoke, and keep off the flies from the herd, which can thus lie down to rest and to ruminate. Once a day they are milked. A reindeer will scarcely give more at the best than a jumfree, or about three-quarters of an English pint of milk. It is very rich, almost like a sweet soup, or pottage, and one cannot take much of it; but it is very good, and with cranberries is excellent; its sweetness tempering their acidity. But it is used principally for cheese, and is so rich, that it may be said to curdle altogether with rennet, and to leave nothing but cheese. The reason of the forest Laplanders having so many distinct stations at such short distances, is that they may not have to drive the reindeer far to their pasture, or to their milking inclosures. They willingly fix their stations near to some lake, that they may employ themselves in fishing, when not attending their deer. About the middle of August, when it begins to be less sultry, and the nights are cool, and the fly-season becomes less oppressive, the reindeer cannot be kept together, but begin to straggle about of themselves. The Laplander then lets them free again, for about six weeks, and in the meantime employs himself in fishing and hunting. He sets up his flakes, a kind of falling traps, under which he catches forest birds; and wanders about the woods shooting game. About Michaelmas, when the rutting season begins, he

again collects his reindeer in the way before described, and keeps them together the whole winter, removing with them, like the mountain Laplanders, to the lower country during that season. The reindeer of the forest Laplanders are of larger growth than those of the mountain Laplanders, owing it is supposed, to their being allowed to go wild a great part of the summer. The animal thrives better from this liberty.

"The forest Laplanders are not so numerous as those of the mountains: but they are to be found over all Lapland. They are most numerous in the province of Pitea, where they equal the others in number; and in the parish of Arvidejaura there are no other Laplanders, and in Arjeplog there are many. They stand upon a higher step of civilization, and are unquestionably the best among the Laplanders. Their way of life also, it appears to me, is so happy that I can fancy none happier; that is, for the man who is to gain his living here upon earth by the sweat of his brow: of those who can live by the labour of others, and need not work for food, there is no question here in Lapmark; but even such may possibly not pass a happier life. Poverty is in every state a heavy burden, and is so, even among the forest Laplanders; but I speak of those who have a competence. Poets praise the shepherd life, hunting is a pleasure fit for kings, and many have no delight equal to that of fishing,—all three united make out the forest Laplander's ordinary way of living. He is exempt from the kind of dog-life which the mountain Laplander leads. The latter must, day and night, and in all weathers, tend his reindeer on the bare fjelde. He has no shelter from rain and sleet, among the thickly clustered branches of the forest; and he is but poorly sheltered even in his hut. He has no shed in which he can hang up his wet clothes to dry; for that he has only at his autumn station. He often cannot even light a fire; for on the fjelde over which he roams in summer, no fire-wood can be got but the dwarf birch, and even that is often scarce. It is small and soft, like the shrub of the blackberry, or cranberry heath, and so wet that it does not take fire, but only smokes. He must lie down, wet as he is, with all his clothes on, in his tent. It is this which banishes all cleanliness, or care about his clothing, from the mountain Laplander. He never combs his hair, nor washes himself—has scarcely any change of clothing; and vermin live at free quarters upon him. Although he may be rich, he is often exposed to hunger, as in the wide waste of the fjelde, he cannot always return to his tent at the time he reckoned. He seldom dresses himself, even to go to church, or to any strange place, or cares in the least how he appears to others. If he does put on his gala clothes, which are often costly enough, they are covered with dirt and reindeer's hairs, from the last drunken bout at which he wore them. Winter is, perhaps, the best season he has, for then he is down in the forest land, and not exposed to the weather. If he has two skin pelzes, he hangs out one that the vermin may be frozen to death; and he sleeps, cooks, and eats, night and day, in his tent, provided the wolves let his herd alone. Flesh is his only diet. Many of these Laplanders do not even milk their reindeer in summer. Such is the life of the mountain Laplander. The forest Laplander, on the other hand, while his children or servants are herding his reindeer on the adjoining pasture-land, goes out himself with his

wife upon the lake, on which his hut is situated, to fish; and when he hears the sound of the reindeer bells approaching the milking inclosure, he rows his skiff to the spot, with his booty. The children come running to the shore to see what he has caught, and to clean the fish. By the time the reindeer are milked, the fish are boiled. In autumn also, birds are caught, and berries of different kinds are gathered. Fresh fish and game, reindeer milk, and berries, are no contemptible food, and in truth delicacies, not to be surpassed at the tables of the wealthy. He is as well sheltered from rain and bad weather as the Swede in his rooms. If he is wet, he changes his clothes, and hangs them up to dry in the shed, or on pegs in the hut itself. Wherever he wanders in his well-known forest, he is not far from a home to which he can repair, if necessary. There is also a certain pleasure not to be described, attending the changing of habitation;—novelty has an irresistible charm. Uniformity tires, and when the eye and mind are wearied with one spot, a change gives new life. Every one has experienced the pleasure of returning to a place where one has dwelt before, and renewing acquaintance with everything around it. This is felt even here; and the Laplander at sight of a well-known spot, carols a rude melody, which is not so disagreeable in the echoing forest. These Laplanders are cleanly in their ways. They wash and comb their hair often; and their household vessels are washed and kept nice. The mountain Laplander only licks, or scrapes with his fingers the vessel out of which he has been eating, and throws it aside until it is wanted again. The forest Laplander cleans and dresses himself, particularly on going to church. He has fewer silver ornaments about his dress than the mountain Laplander, but his clothes fit him better, and are much more neat and clean. He has, in general, fewer reindeer in his herd, but owns much more household goods, among which copper utensils are the principal. A forest Laplander has a considerable number of copper kettles. On the church green he has a house of his own to live in on Sabbath-days, with copper and wooden dishes; while the mountain Laplander, when he comes to church, sleeps and cooks where he can, putting his bit of meat into any kettle on the fire in which he gets leave to boil it. In winter, the forest Laplander, like those of the mountains, removes to the low country, and lives in a tent. The latter merely put up their tents, which are of wadmal or coarse woollen cloth, where they happen to stop, lay some branches of trees upon the snow, and spread their reindeer skins upon these; but the forest Laplander shovels away the snow from the ground, spreads plenty of branches on it, and selects the place with care. One can distinguish from the ground what kind of Laplander has been encamped upon it.

"The total number of Laplanders as already observed is very small. The whole nation, as far as they are under the Swedish crown, and not reckoning the Norwegian, does not exceed 4000 persons. Of these, there are about 300 persons in the parish of Asele, about 400 in Lycksele, 500 in Arvidsjour, and 600 in Arjeplog; or in all the province of Westerboten, which comprehends all the Swedish side of the Bothnian gulf, under 2000 persons. In the province of Jemtland, and the parishes Jockmoh, Gellivara, Juckarjorvi, and Karesuando, they will scarcely equal that number.

But I have little knowledge of the Jemteland Laplanders. That province is a kind of terra incognita to those living lower down, in what we call Lapland. I merely know that they are taught in the Swedish language, and stand on so unfriendly a footing with the Swedes, that quarrels and even murders, have occasionally taken place. The country called Lapland is so extensive, and the cross communications so few, the wanderings of the Laplanders being in fact confined to certain spaces, as before described, from the coastside to the main ridge, and back, between two of the main rivers which they do not cross in their ordinary migrations, or way of living, that one part of it is totally unknown, even by name, to the people of another part."

We have little idea of the hardships and physical suffering of the human beings whose lot is cast in the snowy deserts of the North. A narrative of one of the missionaries' adventures in his own words, will not be without interest.

"I left Arjeplog on the 14th of February, with the intention of going down the country to the town of Pitea. I set off in the afternoon driving my own pony, Slompen, in the sledge. From the church-green of Arjeplog the way goes for about two miles through forest ground called Navijaur's Mark, and then comes upon a small lake of about the same extent called Navijaur. *Mark* means in this country the flat ground between two lakes or rivers, over which boats can be drawn from the one to the other water; and is a Laplandic word, *Muorke*, derived from the word *Muora*, trees; because these drawing places are laid with trees for sliding the boats upon. As I was driving along in the twilight across this lake Navijaur, I came by chance upon a Lapwoman fast asleep in the snow. I alighted and tried to rouse her, for the cold was dreadful, and she would certainly freeze to death if left there all night; but all my endeavours were vain. I took her up, therefore, as she was, laid her across the apron of my sledge, and drove Slompen on to the colonists at Kornquick. The colonist's wife recognised her, and when she was borne into the house and had recovered herself a little, 'now where is thy child,' said the good wife. It seems that when she left Arjeplog in the morning she had her child of two to three years of age with her. She had fallen asleep on the way, and had dropped off the sledge, and now did not in the least know where the reindeer had run with the sledge and the infant in it. She hoped however that this deer, as it was one which willingly followed the track of others, might have followed the rest of her companions to their halting place at Kasker, and she entreated me to drive her there, which I agreed to do. It was late at night when we reached Kasker, where there were a great many Laplanders on their travels, but none had seen the missing reindeer with the sledge and child. They were all in commotion now, and at last resolved that some of the Laplanders should run back on snow-skates when the moon rose, and seek out the trace of the deer, which it was supposed, as often is the case, had left the tract and made for the forest. The reindeer does not, like the horse, naturally seek for the dwellings of men,

but on the contrary, flies from them, and takes to the woods. It was worst for the poor infant he was dragging with him; as wolves during the night might fall upon the little traveller as well as on him. When the moon rose the Laplanders set off, giving attention to each side of the tract, in case any trace could be seen of the course of the reindeer on leaving it, but for the first ten miles there was no appearance of any. At last they found the trace upon the lake Navijaur, just at the spot where the woman had fallen off from the sledge. The deer had gone off to a high wooded island in the lake, and then, towards morning, they found the deer and the child. The deer was going along eating what moss he could find, and the infant was singing to itself, quite happy, the simple monostrophic Lapland melodies, which, from being uniform natural sounds, the smallest infant catches readily. It was well bedded, fortunately, in a reindeer-skin, and so well laced in that it could not fall out, nor be frozen to death. In the morning, before I was ready to leave Kasker, they came back with the child, and the poor mother thanked me heartily for saving both its life and her own. I was sorry for her, although probably the excessive use of brandy had occasioned her sleepiness. But still she was to be pitied, for she had been constrained to marry an ugly old man, although she was a young, smart, pretty girl,—for a mountain Laplander. It is altogether sorrowful, from beginning to end, with the marriages of these Laplanders. Inclination is never thought of, nor suitableness, but only the wealth of the suitor."

An important lesson to our missionary societies may be drawn from the present state of the Laplandic people. They are but a handful—but 8000 individuals. Their numbers, owing to their means of subsistence, can never have been considerably greater than at this day. Two enlightened Christian countries, Denmark and Sweden, with effective church establishments—with ministers, missionaries, catechists, schoolmasters in abundance—even in superabundance proportionally to the numbers to be instructed,—with aid from government, and zealous co-operation from wealthy individuals and societies,—have now been, five hundred years at the least, engaged in converting this handful of wanderers living within the land, and, although wanderers, a people of a mild, docile character. What has been the success? Converted no doubt the Laplanders have been; if by conversion be meant the abandonment of all idolatry and superstitious observances of any heathen and now forgotten worship. Christianised they have not been; if by Christianity be meant the comprehension by the human mind of the doctrines and truths of revelation. If Christianity consist

in the observance of church ordinances, in the ceremonies of baptising the new-born babe, churching the recovered mother, Easter and Christmas offerings of cheeses and skins to the minister, dues at burials and baptisms and churchings and marriages, and a church attendance on Sundays enforced by penalties, and even by corporal punishments, then the Laplanders are the most exemplary christians in Europe. But all this is a sad mockery of the Christian religion. It is paganism under the name and guise and ceremonial of Christianity;—and such in reality is the religion of every heathen tribe, or individual, whose minds have not been expanded by civilization to the capability of understanding Christian truths, as well as of practising Christian observances. Christianity, without that moral and intellectual culture of the human faculties which constitute civilization, and which is produced by the exercise and enjoyment of the useful arts in a civilized condition of society, is not worthy of the name—is idolatry,—is but the ceremonial of Christianity without the intelligence of Christian truth. Christianity is at once the parent and child of civilization. The civilization, the improvement of the means of subsistence, of the habits and social condition of the Laplanders have been altogether neglected. No solid basis for Christianity has been laid amongst them. The estimable pastor Stockfleth, minister of the parish of Kotokinjo, in Norwegian Lapland, is the first who has evinced the true spirit of the Christian missionary among the wandering Laplanders. He has thought it no degradation to eat, sleep, and pass days and weeks in their tents, living as they live, acquiring their language, teaching them what they are capable of understanding, and forming for their use a grammar and dictionary. He is now at Christiania, printing a translation of the bible into their tongue. Pastor Stockfleth on the Norwegian fjelde, and Petrus Læstadius and his brother, in whose house the Hon. A. Dillon appears to have rested, on the Swedish side, are the only ministers who have mingled so far with the Laplanders as to be able to preach to them in their own tongue. For five hundred years the miserable shift of preaching and catechising in an unknown language to a group of ignorant beings, one of the group as ignorant as his fellows, except in the use of two languages,

interpreting sentence by sentence the discourse to the congregation, has been the only means used to Christianize the Laplanders. The great mistake has been, and still is, in not uniting civilization with the preaching of the gospel. It is in vain to offer instruction to the mind not capable of receiving it—not raised by the use and enjoyments of the arts, habits, and social relations of civilized life, to a state to comprehend the simplest combinations of ideas, far less the sublime doctrines of Christianity. This is a serious lesson to missionary associations. Civilization must accompany, and even precede, the missionary; or he is casting the seed in land not prepared for it, and will reap only thorns and weeds.

But we must not forget the Hon. A. Dillon, while rejoicing over the simple and far more instructive recitals of Petrus Læstadius. We are not of those critics who sneer at the manly enterprise, activity, good spirit and intelligence of the youth of this country, who spread themselves over Europe and America, every summer, and return to the native hive before winter, loaded with narratives of the sweets and sour of every land. The information they bring home may not always be worth the gathering; but it is wax, if not honey; it is good for something—to all but buyers and booksellers, who most unreasonably want all honey and no wax. It is a far more laudable and manly employment of time, than wandering about the world without intellectual pursuit; and few of our gentlemen-authors of this class need be ashamed of their literary productions. The work before us consists of two distinct parts, not bound together by any nearer connexion than that there is a river in Macedon—and a river, moreover, in Monmouth,—that the same four letters of the alphabet are found at the end of the names, Iceland and Lapland,—and that the bookbinder has kindly lent his aid to unite in the indissoluble bonds of bibliopolic matrimony, as volumes first and second, two lovely mortals, the Icelandic, and the Laplander, whom nothing has hitherto separated, but difference of race, difference of language, difference of civilization, the breadth of the northern ocean, and the want of an enterprising author like Mr. Dillon, to bring them, in all modesty, between the sheets of one common covering of calf. But the surly

critic must forbid the banus. The Icelandic, his history, his language, his literature belong to European civilization, and are involved intimately with its early growth and diffusion. His poetical and historical Sögur contain the germs of the fictions and facts which form the history of Europe from the decline of the Roman power until the 12th century. His country exhibits the most sublime phenomena which the eye of science has an opportunity of contemplating in our hemisphere. The Laplander, on the other hand, is the human being in the lowest state of intellectual culture, wandering over a tableland of uniform structure and formation. The union of two such distinct countries and populations, into one subject of a literary work, is an union for which we are indebted to the bookbinder's glue and pasteboard, not to any natural, rational, or even accidental ties connecting the two. The honourable author, by attempting too much, accomplishes too little. From a residence of twelve months in a country so little accessible to ordinary travellers, and so full of interest as Iceland, we are entitled to expect something more than the ordinary account of the way of living in every fishing town in the north of Europe. Stornaway, Ullapool, Lerwick, or Stromness would afford a winter of storm and bad weather, out of doors; stench, dirt, dried fish, salt meat, and discomfort, in doors,—quite similar to Reikavik; and what else do we learn of the honourable gentleman's residence in the Icelandic metropolis? A visit to the Geyser springs,—which every shipmaster who has a few spare days at Reikavik rides over the country to see,—bounds the exploratory enterprise of this traveller, residing twelve months in a country as extensive almost as Ireland, and of which the interior, and the northern districts, and the extent of volcanic agency on its surface, are scarcely known. Our traveller exerts great energy to reach a place,—but this energy seems exhausted in the effort to reach it, and his travels end at the point where they should begin. Sir George Mackenzie, Dr. Holland, Dr. Henderson the missionary, and a dozen other travellers in our days, have given far more valuable and interesting descriptions of the country and people, far more important details in geological and statistical science, far more curious literary and historical information regarding the ancient Icelanders, than our

author. Of 240 parishes in Iceland, Mr. Dillon appears to have been in three only, during his twelve months' residence in that country.

To the other volume we have the same objection. The traveller's impetus in his reindeer sledge is so great in Lapland, that he cannot stop to see the Laplanders. We applaud the perseverance, the sound manly spirit which carries him through a journey of some thousands of miles, to attain his goal, the accomplishment of his enterprise; but we cannot laud the want of that spirit of observation in his progress, which the useful traveller ought to possess. The honourable traveller stops nowhere, inquires nowhere, reaches Allengård on the north sea, from Haparanda on the Bothnian gulph, turns his sledge, after a few days' rest, and gallops back with the same relays of deer and horses—by the same roads—travelling night and day, all the way to Stockholm. We admire such powers of enduring fatigue, and so happy a talent for sleeping on the road; but the readers of such performances demand something more for their money, and it is our duty to support so reasonable a demand,—especially as no want of powers of observation, or of expression, prevent Mr. Dillon from ranking high among modern travellers, but merely the common mistake of supposing that to travel, means, in the literary as well as in the literal sense, to be carried over a great many miles, in a great many foreign countries, with the utmost speed; and that activity of body is equivalent to activity of mind. But “a thousand miles in a thousand hours” is no accomplishment in Paternoster-row,—no feat in literature. Nine out of ten travel-writers are couriers, not travellers. They give us an account only of their own condition, progress and affairs, not of those of the people they profess to describe. Mr. Dillon seems capable of more intellectual work than that of a locomotive engine registering the distances it travels over. With more exertion of mind in his future journeyings, and less of body, he will attain more perfectly the object of the traveller—some knowledge of the country and people he visits.

Among the sins of omission, not of Mr. Dillon only, but of all travellers in Iceland, we feel sensibly at this moment, the want of any information, any views, either speculative or

practical, on the peculiar natural resources and economical advantages of the country. Can this volcanic land within three days' sail of our coast furnish the volcanic product—sulphur—without which many of the most important branches of our manufacturing industry, in which the sulphuric acid is essential, would fall to the ground, and upon account of which we are on the eve of war? The question must have occurred to every reader,—must have been the main subject of inquiry to many; but neither the philosophic traveller, nor the amateur of locomotion, neither Sir George Mackenzie, nor Mr. Dillon, give a plain mercantile answer to the plain mercantile question.—Can this natural product of volcanic countries be found in available depôts, in Iceland also? and can any application of capital and labour bring it to the coast? The spirit of enterprise of our great merchants might surely be applied to the solution of this question—without incurring the name of wild speculation. The Danish government would probably concur in any fair proposal which could not but benefit the revenue of the state and the condition of the Icelanders; and a party of two or three competent practical men sent to Iceland in a stout smack, would at no great expense settle the very important point, whether Britain can be supplied from Iceland with this, the most essential perhaps of any of the mineral products not found within her own territories, to the progress and even to the existence of her manufactures?

ARTICLE IV.

1. *Lebensnachrichten über Barthold George Niebuhr aus Briefen desselben und aus Erinnerungen seiner nächsten Freunde*. 3 Bände. Perthes, Hamburg: 1838–39.
2. *Reminiscences of an intercourse with Niebuhr*. By FRANCIS LIEBER. London: 1835.
3. *A Vindication of Niebuhr's History of Rome, &c.* By JULIUS CHARLES HARE. Cambridge: 1829.

THE reputation of Niebuhr in England, though it stands higher than that of any contemporary philosopher, depends almost exclusively upon his *History of Rome*. Posterity also

will be compelled to judge of him principally from his great work, which is an excellent sample indeed, but by no means an adequate measure of his various powers and acquirements. Even from this, however, we may perceive that his genius for historical inquiry is so peculiar, and in its kind so entirely unequalled, that it becomes desirable to understand how he learned as well as how he taught, by making ourselves acquainted with his original character, his education, employments and fortunes. The investigation assumes a higher interest when we find that Roman history, which he reproduced, occupied scarcely more than its proportionate space in the vast system of his knowledge,—that even to literature in general he could only devote the intervals of an active official career, and that of all the great events of his time he was a careful observer, and in some an influential participant. From his childhood to his death he kept up a lively interest in the passing events of every European state; and as his perfect knowledge of modern history supplied the clue by which he entered into the very thoughts and feelings of ancient times, Greece and Rome gave him in turn inexhaustible precedents and parallels by which he could measure and estimate the indistinct tendencies of the age; for as long as no other records exist of the complete course of a form of civilization from its rise to its destruction, it is here alone that an unvarying standard of comparison can be found for the phenomena of our present midway position. Niebuhr's opinion upon all questions of government and policy is entitled to the highest respect, as that of a practical man who had interpreted history by experience, while on the other hand he learned politics from history. The drawbacks which are to be made from his authority we shall have an opportunity of pointing out below; but if they were of far greater importance, and the instruction to be derived from his theoretical opinions was far less valuable than it is, the facts of his life would well deserve to be studied for his own sake; as well on account of the active and enlightened interest which he cherished in every branch of art and science, as for the unceasing sympathy which he felt with every attempt to promote human happiness; above all, for the purity, the tenderness and the undeviating integrity of his personal character.

Several interesting anecdotes, reports of conversational re-

marks, and pleasing illustrations of Niebuhr's amiable disposition may probably be familiar to our readers from Lieber's agreeable little work, or from other sources. Those who wish for a fuller knowledge of his history must consult the account of his life, of which the title is prefixed to the present article. Of the friends who have compiled it, we have only the name of M. Perthes of Hamburg, who is also the publisher. In the preface and conclusion he admits that the work is neither a regular biography, nor a complete collection of Niebuhr's letters. The object proposed is to illustrate his moral and intellectual character: public and private considerations render it proper for the present to suppress many things; and the editors, while they are desirous of making use of materials which may be hereafter inaccessible, modestly express doubts of their own fitness to take an impartial and comprehensive view of the friend whom they admire and regret. Would that a similar diffidence existed in England, where it seems now an established rule, that the biography of eminent men is most fitly written by the unbiassed pens of their sons and their widows.

The narrative, which is interspersed among the letters, occupies a comparatively small part of the three volumes; but it is sufficient to explain and connect them. We could wish that the correspondents were more numerous, as every man shows to each friend to whom he writes a different side of his character. Probably the wittiest and gayest men would write seriously to their wives, and to graver and older friends; and in every case there will be some adaptation of the kind. Earnestness is however the main requisite in a letter, and, if Niebuhr could ever have laid it aside, he would have used it in his correspondence with his beloved friend and sister Dore Hensler, to whom the greater part of these letters are fortunately addressed. We regret to find that the statements of his political opinions are far less full and explicit than we could have wished. In many cases they are no doubt suppressed, in deference to the scrupulous timidity which to Englishmen so oddly characterizes the monarchies of the continent. If they are ever hereafter incorporated together with other materials now omitted in a complete *Life of Niebuhr*, we hope that extracts will be included of

the letters which he received as well as of those which he wrote. Such illustrations of the feelings which a man impresses on his associates are indispensable to a perfect biography, though they are neglected by almost every writer, notwithstanding the paramount authority of Boswell. In the mean time we can recommend our readers to the present work as one of great interest and information. We propose to extract from it, as far as our limits will allow, a general outline of his life.

His father, Carsten Niebuhr, sprang from a long line of freehold farmers in the Frisian marsh-country of Hadeln, on the south of the Elbe. After overcoming by unusual energy the disadvantage of a neglected education, he had been selected as a member of the mission of discovery which the Danish Government, at the suggestion of Michaelis, determined to send into Arabia. After his return to Copenhagen, with a well-deserved reputation as the most laborious and authentic of Oriental travellers, he had formed an intention of exploring central Africa, which was defeated by his marriage in 1773, with the orphan daughter of Dr. Blumenberg, a Thuringian physician. He resided at Copenhagen, with the rank of captain of engineers, till the year 1778, when he exchanged the military for the civil service, and settled for life, with his wife and two children, as collector of the revenues at Meldorf, a decayed town in the south-west of Holstein.

Barthold George Niebuhr was born in his father's house at Copenhagen, on the 27th of August, 1776. His earliest recollections were associated with Meldorf, which had been a principal town in the ancient commonwealth of Dithmarsch. The character of those old republican husbandmen, illustrated by the simplicity and rustic equality of their descendants, as well as by the kindred habits of his own ancestors and countrymen on the other bank of the Elbe, made an indelible impression on Niebuhr's mind, by which his political views were effected through life. Externally it was a bleak and gloomy region, removed from great roads, and surrounded by marshes; and it was natural that he should attribute to its unattractive dreariness, the want of susceptibility to outward objects, which he had afterwards cause to

regret. A more probable reason, however, may be found in the delicate constitution which he inherited, together with a morbid and irritable disposition, from his mother. Her anxiety for his health confined him often to the house, and taught him almost in infancy to find his chief pleasure in sedentary occupations, and to please his fancy with images derived rather from books than from the outward world.

The elder Niebuhr was a self-taught man, and had learned several languages empirically, without mastering the principles of grammar. He succeeded, however, tolerably in teaching his son, from his fifth or sixth year, English and French, and even the rudiments of Latin. An attempt in Arabic broke down from a want of systematic knowledge in the teacher, and of inclination in the scholar, who some years afterwards gave his father great pleasure by proofs that he had remedied the earlier failure by his own exertions. History, and, above all, his favourite science, geography, afforded more scope for Carsten Niebuhr's peculiar powers. The great value of his instruction depended upon the clear and distinct conceptions which he possessed and communicated to his pupil of every object which occupied his thoughts. He helped the child to dig regular fortifications in the garden, and taught him to illustrate his historical studies with maps and plans. The vigour of reproductive imagination, which afterwards distinguished the historian, was undoubtedly fostered by this early habit of embodying the results of his studies in vivid and definite pictures.

Thus Barthold Niebuhr grew up in a strict and studious retirement, which was not unattended by disadvantages.

"I lost," he says many years afterwards, "the life of a child, which ought in its observations and reflections to supply the material for those of a maturer age. An education ill suited to me, or rather a mixture of this and of no education, increased an inward discord of nature with which I was born. I found matter for my childish fancy only in books, engravings, or conversation. It drew into its sphere all that I read, and I read without measure and without aim; but the real world was closed to me, and I could not conceive or imagine anything which had not been first conceived or imagined by another. In this *second-hand world* I was at home, but truth, the genuine truth of objective reason, was shut from me."

About his thirteenth year he attended for some months the school at Meldorf, till Jaeger, the head master, an excellent

scholar, finding it useless to detain him there longer, agreed to give him private tuition for an hour daily. This was the only regular instruction he henceforth received; but he derived general benefit from the advice and encouragement of his father's friend Boje, editor of the *Deutsches Museum*, and sheriff of Meldorf, and from Boje's brother-in-law, the celebrated Voss.

His father's favourite wish was that he should carry on his own eastern discoveries. He hoped to procure him a writership in the East India Company's service, through the interest of the English friends whose acquaintance he had formed during his travels. The plan was early abandoned; but in the mean time it induced him to provide his son with English books, and even with a regular supply of English newspapers. There was no other source from which he could have derived his early familiarity with the practical working of a free constitution. He continued through life an eager reader of public journals; and forty years after the time of which we are speaking, when he claimed, not without reason, to understand this country better than any other foreigner, he said,—“If I give up reading English papers, my knowledge of England is lost.” His first political impressions were produced by the Turkish war in 1788, and in the following year at the age of thirteen he was engrossed in the overwhelming interest of the French Revolution. Young as he was, however, he was not among those who hailed its dawn: a love for constitutional order, custom and permanence, and a preference of prescription to experiment, would almost seem to have been innate in his mind; and his father was from the first opposed to the great change. “Not that his heart clung,” says his son, “to court, aristocracy, or clergy; but without speculating much about it, he saw in the nation our natural hereditary enemy. He rejoiced in the outbreak of the counter-revolution, not for the sake of the emigrants, but because he hoped that we should recover the lost provinces, which in teaching his children geography he always included in Germany.”

At the age of sixteen his father, thinking his excessive industry injurious to his health, and wishing to give him some acquaintance with practical life, sent him to his friend

Buesch, who at the time was director of a commercial institution or college at Hamburg. A friendly reception, agreeable society, and the acquaintance of Klopstock, who kindly noticed the precocious boy, were not sufficient to compensate for the shock of passing from his books and his home into a world which was entirely strange to him. He was seized with a violent longing for home, which was probably the first symptom of the hypochondriac depression to which he was always afterwards liable. In compliance with his earnest entreaties he was recalled to Meldorf, where he again devoted himself to his wide and unassisted studies. He was already familiar with many of the twenty languages, which, according to his father's enumeration in 1807, he eventually mastered. His classical studies supplied materials for the day-dreams, which formed his chief occupation and enjoyment. His vivid imagination brought ancient times as realities before him, and surrounded with historical accompaniments his boyish ideal of virtue and greatness. He long lamented the indifference to practical affairs and the waste of time which resulted from this mental intoxication: even in philosophy he experienced the bad results of it, in a comparative disinclination and incapacity for the study of grammatical details. The great evil of self-teaching is the certainty that what is easiest and pleasantest will be perused to the exclusion of discipline, which might counteract the original onesidedness of the intellect; and as the elder Niebuhr was ignorant of philosophy, and indifferent to general literature, he could neither understand nor correct the errors of his son's inexperience; yet there may have been some advantages in these classical castles in the air. Day-dreams, as well as more vigorous exercises of the imagination, require some unity and consistency in their objects: a slight difficulty, a half latent contradiction in the superstructure, will at once demolish an edifice which has risen on postulates of the wildest extravagance. Niebuhr's visions were originally connected with facts, and must therefore have contained some historical reality; so that he was now cultivating that faculty of intuition into the past, by which he afterwards familiarized himself with the old Romans as with contemporaries. His discoveries were seldom the reward of

reasoning and inference, but rather of an immediate perception of fitness, by which every new fact was seen to fit into some acknowledged gap in the constitution or series of events which he had already apprehended as a whole. It appears from some expressions in his later letters that he had already advanced in some respects beyond the historical views of the age, before he left his father's house.

Some such tokens of his future greatness may probably have been contained in the communications respecting a primeval migration from Europe to Asia, which, with amusing simplicity, he tells his parents that he has, on their first acquaintance, made to Professor Hensler, under whose auspices he entered the University of Kiel, in the spring of 1794. The letters which he wrote to his father and mother during his residence there give an interesting picture of the affectionate earnestness and enthusiasm of youth. His total ignorance of the world, combined with his extraordinary book-knowledge, give him a tinge of pedantry and positiveness, which is neither unnatural nor unpleasing. When are men to cling enthusiastically to their opinions, and follow them out into their practical results, if not at their first acquaintance with the meaning of speculative truth? Three weeks after his arrival he informs his parents that his circle of acquaintance is fully and finally completed: we need not state how long the limitation lasted. Shortly afterwards we find that he has parted from one of his friends on philosophico-moral principles. "He is an indifferentist and fatalist; *Jadhere to Kant.*"

Nevertheless, natural disposition prevailed, as might be expected, over theory. He was fond of congenial society, liked talking, and could not dispense with sympathy: and, though his laborious habits of life prevented him from taking a part in the general society of the students, he formed some intimate friendships, and one of peculiar warmth with Count Adam Moltke, a young man some years older than himself, who was residing on his estate in the neighbourhood. He also repaid with gratitude and attachment the kindness of Hensler, and, by degrees, secured the advantage of female society, by his acquaintance with Dore Hensler, the widowed daughter-in-law of the Professor, who resided with him. The

awkward shyness of his retired education made this at first a formidable undertaking: he complains, after a conversation with her and her sister Amalie Behrens, that it is in vain to attempt the society of women; that they were very good-natured and agreeable, but nevertheless he would rather be uncourteous by not speaking to them than by speaking.

It is remarkable that the lectures which Niebuhr attended had little or no reference to his favourite studies:—jurisprudence, which he at this time intended to follow as a profession, chemistry, logic and philosophy, were his labours, and it was only as a recreation that he turned to his classical pursuits. In general he considered the lectures as a troublesome and useless interruption; but the character and genius of Reinhold, who was at the time professor of metaphysical philosophy, impressed him with reverence. He devoted himself ardently to the study of Kant, and was for a time absorbed in admiration of the intellectual world which opened before him in the critical philosophy; but before he had mastered Kant's works, or entered on the study which he proposed to himself of Fichte, a change of his circumstances cooperated with a just conviction that his genius was essentially practical and historical, to prevent his further progress.

In his earlier letters to Count Moltke his universal literary enthusiasm is displayed by a proselytizing devotion to his favourite authors, which we like none the worse for the rapid change of its objects. In one letter we find that Klopstock is the only poet of modern times,—in the next that he is dethroned in favour of Voss, who is second only to Lessing even Ossian, in deference to the strange continental heresy, which has so long died out in the place of its birth, has his day of favour; yet even then Niebuhr knew Homer too well to think the story of Fingal epic; a year afterwards we doubt not that he would have excluded Macpherson as sternly from a place among lyrical poets. He was always a voracious reader, and kept up more completely perhaps than any contemporary with the popular literature of all Europe in his time. Reviews, newspapers, statistical tables, poetry and novels were all welcome to him, and travels had a scientific

interest for him, connected with the geographical tastes which he had derived in childhood from his father.

A religious education, which he calls "miserably deficient," compounded probably in the ordinary proportions of dogmatism and indifference, combined with the exercise of a precocious historical acumen, had made Niebuhr sceptical in Biblical criticism, before he was old enough to feel the want of a religious faith. When his intellect and feelings expanded as he grew up, he seems to have adopted the high and earnest stoical morality, which, as the practical counterpart of Kant's philosophy, had superseded the previous influence of the French Encyclopædists, and at this time served the youth of Germany for a religion. That it was not sufficient for his nature, indisposed as he always was to abstraction and theory, he felt when the troubles of the world came upon him. In the latter part of his life he succeeded, by sedulous cultivation, in recovering a considerable part of the historical belief which he had renounced; but it never became, as indeed he admitted that it could not become, incorporated with his purely religious impressions into a living faith. The unsullied purity of his conduct, the strict and undeviating honesty which he inherited from the simple and manly character of his father, harmonized well with the opinions which he embraced, and probably first determined them. Even when his fame was at its height, he scrupulously abstained from using a second-hand quotation, even though he had verified it, without a reference to the source from which he had derived it, as well as to the original author; and he could say, with reasonable satisfaction, that among all the errors of his youth he could not reproach himself with having made pretensions direct or indirect to knowledge which he did not possess. In the course of his life he succeeded partially in correcting his main defect at this time, an irritable and sometimes violent temper, which was combined, as is often the case, with warm and tender affections. A morbid and desponding habit of mind, such as Niebuhr's, united with constant craving for a return of the sympathy it feels, can scarcely fail to produce the exacting and jealous susceptibility, which is a torment at

home and abroad. He carried a corresponding feeling into his general intercourse with the world. It would have hurt his pride and self-respect to have been over-rated; but he professed to be neither saint nor philosopher enough to be satisfied with the consciousness of his own merits, if it was not reflected in the opinion of those around him. In many departments of knowledge his supremacy was in his maturer age so well known by himself, that he bore with little equanimity the presumption of ignorant opponents; yet he was modest, and as ready to admit the claims of others as to enforce his own. His defect was but a pardonable want of stoicism.

After a residence of less than two years Niebuhr left Kiel early in 1786 to accept the office of private secretary to Schimmelmann, the Minister of Finance at Copenhagen. His industry and talents for business soon won the confidence of his principal, whom he regarded in turn with respect and affection; but his shyness and dislike to general society rendered his residence in the minister's family irksome, and produced an unpleasant state of feeling between him and the Countess Schimmelmann, who naturally expected her young guest to take a part in the social intercourse of her house. He found time, notwithstanding every interruption, to continue his studies, and after some months accepted an appointment in the Royal Library, which enabled him to pursue them with greater facility. He had already selected Roman history as his peculiar department, but he renewed and extended his acquaintance at the same time with the whole range of classical authors. On his father's account, as well as his own, he exerted himself to procure geographical notices of various countries from the foreigners who thronged Copenhagen at the time; and under the friendly instruction of Count Ludolf, the Austrian ambassador, who had been born at Constantinople, he acquired a considerable knowledge of the Persian language.

During this period of his life he suffered much from his conscious incapacity to interest himself heartily in the outward world; or, rather, this was the form in which the melancholy of loneliness, inexperience and disappointment displayed itself. The true relation of fragmentary superiority to finished me-

diocrity cannot be discovered by the young, who suffer meanwhile both from their defects in worldly wisdom, and from the indifference of others to their intellectual advantages. He reproached himself bitterly with indolence and distraction of mind, and sought for a cure in resolutions registered in letters and diaries. There was happily a better remedy awaiting him. In his journies between Holstein and Copenhagen he had more than once visited the family of Behrens, and by degrees ventured on a nearer approach to the once formidable Amalie. He saw in her the ideal of his youthful fancy,—the image, as he characteristically expresses himself, of a Roman matron. She is represented as beautiful, and in intellect and heart she was worthy of Niebuhr. She returned his affection, and it was determined that the marriage should take place as soon as he could obtain a settled provision. He had been destined by Schimmelmann for the consulship at Paris, and afterwards for that at Constantinople, but both schemes had fallen to the ground. He wished to obtain a professorship at Kiel, in the neighbourhood of his friends and connections, and received coldly a proposal of the Danish ministry, that he should attach himself to a seminary which they proposed to establish at Copenhagen. The foreign language, and the severity of the climate, were undoubtedly serious disadvantages; on the other hand it could not but be flattering to a young man, in his twenty-second year, to receive the offer of an appointment which had been successively intended for Brunckh, Wolf, Voss and Heyne. Finally, he determined to leave the point undecided, while he completed his studies in England, when he hoped to acquire practical vigour of character as well as direct instruction. He might have found philology in greater perfection in a German University, but he considered that he had already arrived at a point of knowledge at which no living scholar could assist him. When the fear that a French invasion might render England a dangerous residence had passed by for the time, he left Copenhagen, and, after a short stay in Holstein, sailed from Cuxhaven to Yarmouth in July 1798.

The accounts of his residence among us are principally contained in a series of letters to his betrothed bride; in

which, while we read them with curiosity and interest, we could not but wonder at the coldness of the business-like style. We observe with great satisfaction, however, that in the concluding notice, at the end of the third volume, the editor of the letters apologetically admits the suppression, in this part of the correspondence, of many tender expressions. That he judged wrongly we are accordingly unprejudiced witnesses, and in similar cases we would wish to establish the rule, that when there is a doubt as to the admission of a biographical document on no better ground than the warmth of the feelings which it displays, it should be decided in favour of publication.

With his habits of observation and generalization, with the stock of knowledge which he brought with him, and the general zeal which he felt to increase it, Niebuhr might, notwithstanding his youth and inexperience, have familiarized himself with England so thoroughly, that his opinions of our institutions and national character would have been entitled to paramount authority. We have little fault to find with his remarks as far as they go; but we regret that, in direct contradiction to his declared intentions, he gave way to his habitual preference of books to men. He never seems in after life to have discovered how very little he contrived to see of England in its peculiar character. Arriving in London with letters of introduction to many eminent men, he was prevented by shyness from delivering them to those of higher rank, and was unreasonably disappointed in finding that the kindness of his scientific friends did not extend to intimacy. London was in a great measure empty, and he could not wait to see it in the season; for he had resolved to attend the lectures in Edinburgh; and his zeal to see the north was increased by a Scotch acquaintance, who, with the characteristic patriotism of his race, assured his credulous hearer, that all the coldness, dulness and want of philosophical enthusiasm, which he found in London, would vanish as soon as he crossed the Tweed.

He remained the greater part of a year at Edinburgh, in diligent attendance on the various scientific lectures, accompanied by severe private study. His leisure hours were passed in the house of Mr. Scott, a cadet of the Harden

family, who had been intimate with his father in India, and now received Niebuhr as a son. As usual he avoided general society with a perverseness which seems in this instance almost unaccountable. In the summer he made a short tour in the Lothians, and visited Mr. Grant, of Redcastle, in Kinross-shire, with the view of obtaining information as to certain questions of oriental geography. In November 1799 he returned to Holstein.

The gallery of the House of Commons, the coffee rooms of London, the halls of Oxford and Cambridge, assize courts, county meetings, mansions and parsonages, were the scenes in which a foreigner should have sought for illustrations of the distinctive character of England. Within his limited circle of observation Niebuhr found abundant evidence to justify his preconceived opinion of the great superiority of our countrymen to his own in practical vigour and energy: yet he complained of the shallowness of party reasonings, the want of love for theoretical perfection, and the scarcity of commanding genius, as the proof that the boasted results of hereditary freedom were illusive. If he had drawn his knowledge from such sources as those which we have enumerated, he might perhaps have thought, that in the complicated machinery which yet habitually works itself, liberty had given nobler proofs of its productive power; and provided for itself more durable securities, than schemes of ideal politics, or the accident of individual genius. We should never have learned from him that Pitt, or Fox, or Wilberforce were acting on the mind of the nation. They might not be in his estimation great men, but he ought not to have disregarded the vast power which they wielded.

We especially regret that he gave himself no opportunity of observing the practical working of the English church. His boundless knowledge indeed included a correct view and warm appreciation of the position which it occupies in relation to popery and protestantism: but reading alone cannot have explained to him the extent to which it modifies the other parts of the constitution. Its intimate connection with the aristocracy, and the alternate affection and jealousy with which they regard it,—its spiritual and temporal influence with the people, in relation to whom it is itself aristocratic, and

above all the effect produced on the national character by the contemplation of a priesthood which includes landlords, magistrates and men of business, as contrasted with the desecularized continental ideal, to which our clergy had then approximated less than now, would have been a fit study for the statesman and historian, and have enabled him to bestow on us invaluable instruction. It is impossible for men to judge impartially of their own institutions; and no foreign writer has, as far as we know, bestowed upon this branch of our system the attention which it deserves: neither can any other authority claim the same respect as Niebuhr's.

Of the religious character of Scotland he formed a harsh, and in our opinion in some degree an unfair judgement. He could not be expected to sympathise with the somewhat pedantic strictness of the Sabbatarian and other observances of the people; but he might have found in the manly and stern morality, which was the fruit of their undoubting belief, some compensation for the want of that connexion with imagination and feeling, which for such a mind as his is the primary requisite in religion. Another proof of the national coldness and reserve of both Scotch and English he found in the rarity and constraint of youthful friendship: he said that enthusiastic communion of thoughts devoted to the highest objects, that sympathy or confidence in sympathy for the more delicate interests of a friend's moral or intellectual progress, was unknown in a country where it was a violation of national taste for men to speak of the things which most personally affect them. He was at least right in the general maxim, that friendship in the highest sense can only exist between cultivated minds. Good fathers, husbands, sons, may have their talk of bullocks, but the intercourse of friendship cannot be exclusively employed on the affairs of daily life. There can seldom be enough of passion in it for it to attach to the bare personality; it demands support and elevation from a union with the intellect, which it repays by clothing and enriching it with the warmth of human feelings. When we consider the different degrees of excitement which the youth of England and of Germany at the time respectively received from the influence of literature and philosophy, we think it most probable that Niebuhr's comparative estimate was just.

In pursuance of negotiations with Count Schimmelmann, which had commenced during his stay in England, he obtained, in May 1800, the appointments of assessor in the commercial department of East Indian affairs, and secretary to the commission for the affairs of Barbary. He immediately married his affianced bride and entered on his duties at Copenhagen. His salary was small; but neither at this nor at any other period of his life was he disturbed by pecuniary anxieties. Frugality secured his independence, and he found an ample compensation for the absence of a social excitement in the company of his beloved wife. "Amalie's heavenly nature," he writes at this time to her sister, "and her superhuman love raise me above the earth, and in a manner separate me from this life." She was indeed no ordinary woman: while she soothed by the charm of her presence the anxious irritability of his temperament, she shared not merely his domestic interests, but also his intellectual employments. It was with her that he first discussed every historical discovery, every political occurrence, every novelty in literature; even the obscurities of classical antiquity failed to repel her because they attracted him. Through her life and long afterwards she maintained over his heart and imagination the exclusive dominion she deserved: it was for her pleasure and approbation that he laboured when he was preparing for the instruction of the world.

His domestic quiet was for a time interrupted by an episode which first brought him into contact with the great events of the time. In the spring of 1801, the English fleet appeared off Elsinore to enforce the secession of Denmark from the armed neutrality of the north. The events which followed are well known as far as they concerned the conquerors; but a new interest is thrown upon the subject by the narrative of the defence which Niebuhr's letters contain. Before any blow had been struck, he anticipated a furious attack, when he heard that Nelson was with the fleet: and in the midst of the ruin which he foresaw he hoped for some recompense in the chance that the nation in its extremity would awake from its long slumber. Nor was he altogether disappointed. Nelson, indeed, sailed into the harbour by a course which had been pronounced impracticable, and attacked the Danish line of de-

fence where it had been supposed that no assailant could come. "But the English from the first day of their arrival "cruised in every direction with frigates and cutters, and "marked with buoys the channels which they found, and "which we had never examined." He quotes with pride the acknowledgement of Nelson that he had never met with so obstinate a resistance.

The convention which followed the battle left Niebuhr at liberty to resume his employments. His official duties engaged him during the day, and, as his wife's eyesight was weak, he read aloud to her in the evenings, so that he could only devote to his favourite studies the Sunday mornings and some occasional holydays. He found time, however, to make himself master of Arabic, and to collect for his father all the accounts of African geography and politics, which his official position gave him an opportunity of obtaining.

Now, moreover, amid the pressure of business he recommenced the study of Roman Antiquity with the full vigour of his mature intellect, and convinced himself of the vague inconsistency of all the current notions on the subject. He began an essay on the agrarian institutions of Rome, which contained the leading principles of the discoveries, which he afterwards developed, and he planned a variety of works on antiquarian and philological topics. Unfortunately there are few materials left of the writings which circumstances prevented him from completing, for the extraordinary accuracy of his memory enabled him to dispense with the use of notes and memorandums. During his stay in Rome he complains heavily of the unaccustomed labour of making extracts, which he then for the first time found necessary. The incidental loss to the world, however, is fully balanced by the advantage which his finished works derived from the coexistence in his mind of all the facts under consideration; for he was thus enabled to secure a completeness and certainty in his judgments, which could scarcely have resulted from a successive accumulation of authorities. It is no wonder that, as we find from Lieber, who has preserved several striking proofs of Niebuhr's strength of memory, he agreed with king Thamus (in Plato's *Phædrus*), that the invention of letters by the God Theuth would fill the souls of men with forgetful-

ness. On one occasion about this time his wife and her sister amused themselves with asking him questions about the most trivial matters they could find in the index to Gibbon. Without discontinuing a writing in which he was engaged, he told them in every case the contents of the corresponding passage in the text, and compelled them after many trials to give up the attempt to puzzle him in despair.

In the spring of 1803 he was employed on a financial mission to various parts of Germany: in the following year he was promoted from the secretaryship to a seat in the board for the affairs of Barbary, to the management of the India department, and to the directorship of the government bank. His talents, integrity and unwearied activity secured him the respect of his colleagues and of the public; and his operations in the money-market, which formed the most important part of his duties, met with general approbation from commercial men. "You would hardly believe," he tells Moltke, "with what respect the Jews regard me; only they cannot understand my not caring for money for myself. However I am heartily tired of this life."

About the year 1805 his reputation as a financier had spread so far, that the Prussian government made overtures to induce him to transfer his services to Berlin. At first he rejected the proposal, with the natural disinclination of a patriotic subject to quit his own state for the service of foreigners. On the other hand he was born a German, though under Danish sovereignty: the connexion of language is even stronger than that of citizenship, and he recognised in Prussia the natural head of the northern division of that Germany to which, independently of political distinctions, he felt that his primary allegiance was due. He had watched with deep interest the struggle of Austria with France, and had hoped that the experience of former defeats and the newly-acquired alliance with Russia might at last have turned the scale against Napoleon. The battle of Austerlitz dispelled his illusion, and almost destroyed his hopes for Germany.

"Woe," he said, "to those who applauded the victories of the French of the revolution, and extinguished for our unhappy nation the last sparks of national love and national hate * * *. I have myself always hated the French as a state * * but it is over, and now like the prophet Jeremiah I will be in-

dignant against those who think any longer of resistance, unless circumstances arise under which, like the Saguntines and Antigone, we must make choice of death * *. And is not voluntary deliberate death the most solemn and the noblest thing to which life can exalt itself? * *. Happy are we who have no children * *. With two things has the genius of England blessed Lord Nelson, and rewarded him for his deeds; one that he died victorious, before he could know of the defeat at Ulm, and therefore full of hope, the other that he left no children to pass under the yoke of those whom he had sent under the yoke so often. We shall soon see how the world will be subdued by the French. What we shall not see finished, but see already beginning, is mental degeneracy, extinction of genius, of all free and liberal sentiments, the reign of vice and sensuality without even hypocrisy, the decline of taste and of literature;—in this it is now far in the forenoon."

In more cheerful moods he did not utterly despair, and to do his own part in rousing his country to resist the universal enemy he published a translation of the first Philippic of Demosthenes, in the hope that the striking analogy of the position of Philip with respect to Greece, and of that of Napoleon to Europe, might induce men to listen even now to the inspiring wisdom of the mighty patriot of Athens—*γένοιτο γάρ ἄν τι καινότερον ἢ Μακεδῶν ἀνὴρ Ἀθηναίους καταπολεμῶν, καὶ τὰ τῶν Ἑλλήνων διοικῶν*; It is one of the most remarkable proofs on record of the extent to which party spirit can distort the judgment, that a writer of our own country has attempted to invert the proportion, by representing Philip as the defender of law and order, and confounding the exertions of the Athenians in defence of their hereditary constitution with the encroachments of the revolutionary French. The similarity of circumstances which Niebuhr observed was attended with one point of difference, to which he seems not to have attached its due importance. If, when all the other Grecian states were defeated at Chæronea, Athens had suffered no part of the loss; if in her own walls impregnable she had reigned unresisted over the sea, drawn tributes from the islands and Ionia, blockaded the harbours of Macedonia, and had even at the disastrous moment been employed in the celebration of her crowning triumph; if in the midst of all party strife her citizens, united as one man against the enemy, had known no Philocrates or Æschines; and yet, notwithstanding all this the sovereignty of Philip had been established, then indeed Austerlitz or Jena would have been a repetition of Chæronea, and the freedom and civilization of Europe lost without hope.

Niebuhr had called England the modern Athens, when he hoped that she might find a Syracuse in Copenhagen, but he neglected to make the application now.

Early in 1806 Niebuhr received fresh proposals from the Prussian government, with a definitive offer of the post of joint bank-director, a share in the administration of maritime trade, and prospects of further promotion. Various circumstances, and especially the pressure of the details of business, had in the interval discontented him with his situation in Copenhagen, and after much hesitation he obtained the acceptance of his resignation, and set out for his new destination in the following September. His departure was attended with universal regret. "The merchants," he tells his sister-in-law, "and especially some English among them, were many of them become my nearest acquaintances; these, like so many other gentlemen of this nation, have a strong predilection for me, since we harmonize in many respects. I like the English language too, and speak it much more fluently than other foreign tongues, nay, almost as well as either Danish or German." It was not without many melancholy thoughts that he left his native country, and the neighbourhood of his friends and family, to establish himself in a foreign land: nor was the position of Prussia such as to inspire, cheerful expectations; for goaded beyond endurance by the insolence of France she had at last determined on war, and was preparing to try her last chance in the field. "We long," writes Niebuhr to his parents on the eve of starting from Copenhagen, "to be on the road to our new destination. We wish for it as the end of a prolonged agitation: but also and yet more we long at this great crisis to reach the country on which our destiny now depends; and the gallant resolution of which, be the result as God may permit or ordain, devotes our hearts to it, as if it was the land of our birth."

The decision was not long delayed. In October 1806, a few days after Niebuhr's arrival in Berlin, the fatal battle of Jena compelled him to accompany the flight of the court and ministry to Dantzic, and soon afterwards to Königsberg, where, notwithstanding the anxieties attendant on the prospect of a winter journey through a barbarous country, on his own and his wife's account, he found satisfaction in the friendship

and confidence which the diligent performance of his official duties procured him from his principal, Baron Von Stein. He mentions with pleasure the acquaintance which he formed here with several Englishmen, including Sir Harford Jones, formerly envoy to the court of Persia, who gratified him by his testimony to the value of his father's oriental discoveries. Here also he first knew some of those who were afterwards his best friends, and amongst them Schoen and Nicolovius. But he was deeply dissatisfied with the general spirit of the higher classes; they complained of England as the disturber of the world, and extenuated the evil of French supremacy. For the people at large, who were only in want of leaders, he felt the highest esteem. In January 1807 it became necessary for the flight to continue, and he made the painful and laborious journey to Memel, to the serious injury of his wife's health; it was determined also, if the enemy advanced, to cross the Russian border. In the interval of his duties at Memel, which concerned the commissariat, he found time to learn the Russian and Slavonic languages, to which he devoted his attention more willingly, as his books remained at Stettin, where he had left them on his way from Berlin. Leaving his wife at Memel he went with his colleague Altenstein in the course of his duties to Bartenstein and Koenigsberg, but was again driven northward by the news of the battle of Friedland, which was fought on the 14th of May. When the French entered Koenigsberg the Prussian court determined to remove to Riga. Many of the official persons were dismissed on crossing the Russian frontier, and Niebuhr had determined to retire to Copenhagen, but the prime minister Count Hardenberg entreated him with tears in his eyes to remain with himself and the king, and at this juncture he could not refuse. In July the peace, which involved as one of its conditions the dismissal of Hardenberg, gave occasion to the appointment of a commission for performing his duties, on which, notwithstanding his continued wish to retire, Niebuhr was appointed. When the diversity of views among his colleagues induced him some time afterwards again to press his resignation, the king's answer was so gracious, that he could not resist his request that he should

remain, and he was soon satisfied by the return of his former chief Stein to the head of the administration.

Of all the unhappy events which filled the year 1807, none hurt him so deeply as the English bombardment of Copenhagen, and seizure of the Danish fleet. The consequent alliance with France into which Denmark was driven made the remembrance of the subject painful to him. He never fully forgave England, though his indignation was diverted from the circumstance by the change of events; and this was probably the ultimate cause of the steady dislike to our country into which after many variations of feeling he at last settled. In his present state of discomfort and anxiety he readily undertook a mission which Stein entrusted to him, to negotiate a loan in Holland for the discharge of the demands of the French. In November he left Memel for Berlin, where his wife arrived in a state of dangerous illness from the journey. The miseries of their position are described, as the public and private calamities of the past year had been, in some of the most interesting letters in the collection. He was always affectionate in his feelings towards his absent friends, but his present anxieties made his language still more earnest and tender. Our limits will not allow of details, which yet form the charm of the narrative.

From Berlin, after his wife had recruited her strength, they proceeded to Hamburg, where part of his business lay, and after a short visit to Holstein, when Niebuhr had to mourn the loss of his mother, who died while they were on the road, they arrived at Amsterdam in March 1808. The Dutch capitalists were naturally unwilling to risk their money on the credit of a state which a word from the emperor might destroy, and while the negotiations were lingering, Niebuhr had abundant opportunities for studying the country and people, a task to which he devoted himself with his usual energy. He respected and admired king Louis, and interested himself in the public institutions and in the peculiarities of the national character. To please his father he periodically wrote letters containing the results of his observations, which were circulated amongst his friends in Holstein. In the last year of his life he meditated the publication of these papers, and

there is reason to hope that they may yet see the light. He could not but enjoy the contrast of his present ease and comfort with the agitation of the preceding period, and at first he was sanguine as to the success of the loan; but by degrees his hopes died away; the country, as its novelty wore off, appeared intolerably dull and prosaic, and he received a severe shock from the news of Stein's removal and proscription by Napoleon. The degraded condition of his adopted country was a constant cause of grief to him, though he had adopted, since the peace of Tilsit, as he says, the maxims which Phocion urged on the Athenians, and the warning of Jeremiah to the Jews in Zedekiah's time,—“Abide in the land, and be subject to your princes.” His discontent affected and was no doubt influenced by his bodily health; and his recall, which he received in the spring of 1809, was on every account welcome to him. Just before his departure he found a sudden inclination on the part of the capitalists to meet his views, which he attributed to the influence of the French government, which probably required money for the Austrian war, and wished to set at liberty the army which according to the treaty occupied the Prussian territory till the demands of the conqueror were discharged. King Louis however refused to sanction the withdrawal of so large a capital from Holland, and the matter rested for the present. Niebuhr refreshed his spirits and his constitution by a stay of three months in Holstein, and in Count Moltke's library at Nuetschau resumed his long-interrupted study of Roman history. Another period of anxious hope and fear, and another bitter disappointment, were occasioned by the renewed Austrian struggle, and the ill-fated heroism of the Tyrolese: but he had learned wisdom from experience; and he hoped that in the increasing earnestness which was forced upon Germany there might be found the elements of a nobler national life for future times. In August he unwillingly obeyed a summons to join the Prussian Court at Königsberg. On his road he saw with interest the working of the municipalities, which Stein had bestowed on the towns, and traced with the curiosity of an historian the exact coincidence of the advance of civilization with the encroachments of the Germans on Polish barbarism, from the time of the Teutonic knights downwards. While

his position was yet unsettled, he brought his books from Stettin, where they had remained from his first arrival in Prussia, and his letters show his active interest in every branch of literature. In the same page he expresses his admiration of Lord Chatham's letters, of Davy's chemical discoveries, of Schelling's philosophical writings, and his pleasure in finding a sharer in his enthusiasm for Goethe's *Faust*. This was the king's relative by marriage, the head of the illustrious house of Radzivil, with whose family he ever after kept up a friendly intercourse. He said that the prince was a man of taste notwithstanding his Slavonic descent.

In November 1809 he was made a privy-councillor, and entrusted with the department of the national debt as well as other financial employments. In the following month he proceeded to Berlin, where he spent the winter in unremitting official activity. His own statement will show the extent of his duties. "My department," he says, "includes the public debt at home and abroad, the issue of bank-notes, the financial part of the alienation of the demesnes, the employment of all money in hand which can be spared, the calling in of the active bonds, the salt monopoly, and the bank transactions; besides a general superintendence over the provincial debts, with their system of credit, and the private banks." His first measures raised the value of the bank-notes, and the mere fact of his nomination brought one class of stock, which he mentions, from sixty-four up to seventy-two. He always considered finance as well as government, an art rather than a science, and one which could only be empirically acquired; and he asserted without hesitation, that his own long apprenticeship had made him master of it. It was now his main object to encourage trade, as the only means which could relieve the country from the poverty produced by the war; but he soon found that his schemes were opposed, not only by his colleagues in office, but by Hardenberg, who in a private station was acting as the king's confidential adviser. His biographer appears to us in some degree to slur over the disinclination, which it is clear to us that Niebuhr always felt, against acting with this celebrated statesman; he acknowledges however that their financial views differed, and we find from the letters that Niebuhr saw with indignation a system of in-

triguing in which he steadily refused to share. "It would have been easy for me," he says, "in this spring to gratify my ambition if I had been so disposed." Soon afterwards Hardenberg resumed the administration, and earnestly pressed Niebuhr to act with him. The king at the same time gave him the order of the red eagle of the third class; but he persisted in refusing to carry out plans of which he could not approve. He applied for a situation in the University which was to be established at Berlin, and after much difficulty prevailed on the king and minister to accept his resignation, receiving at the same time the appointment of historiographer, in the place of the celebrated Johann v. Mueller. This fortunate event took place in the summer of 1810.

At Michaelmas the University of Berlin opened under the auspices of the most eminent scholars of Germany; and among them Niebuhr commenced the lectures on Roman history, which formed the basis of his great work. His career had been hitherto far removed from that of a professed student, but he had made use as we have seen of every opportunity to increase his early stock of knowledge, while the tenacity of his memory rescued it from diminution. In historical enquiry, where book-knowledge and political sagacity meet on equal terms, his experience of the working of government had interpreted for him the meaning of recorded institutions. Trusting in the soundness of his views he confidently undertook to instruct an audience, which included Savigny, Schleiermacher and Ancillon: and in their approbation he found an additional reward for the labours which were in themselves his highest pleasure. Besides the satisfaction which he derived from the increase of his own knowledge by his preliminary studies, he found a new excitement in the oral delivery of his discoveries as they arose; for the extreme sociability of his temperament made the communication of thoughts an indispensable requisite for his intellectual activity. "I find my memory decayed," he mournfully said some years afterwards, "for much of its strength arose from my habit of telling my *Malé* everything that I read or thought."

In this employment, and the consequent occupation of preparing his work for the press, he passed one of the hap-

piest periods of his life. He had learned to withdraw his attention from the darkness of the political horizon, and to enjoy the good that remained; the relief from anxiety, the consciousness of active usefulness, and for the first time in his life, the intimate acquaintance of a class of men whose powers and attainments were on a level with his own. He attended a philosophical society, of which Schleiermacher, Buttmann, Savigny, Heindorf and Spalding, whose loss he had soon after to deplore, were members; with Savigny and Nicolovius he formed a close friendship, and he attended with profit and admiration Schleiermacher's philosophical lectures. How much of his own success in his great work he attributed to the encouragement of his friends, and the inspiration of their society, may be seen in the beautiful tribute to friendship, which forms the conclusion of the preface of his first edition.

The first zest indeed of his new mode of life necessarily wore off by degrees: the reception of his *History* by the world at large was less warm than that of the friends who heard the lectures. The subject also declined in interest as it reduced itself to mere narration; for he felt at this time, if not afterwards, that his strength lay rather in combination and discovery than in representation. His friends too separated from time to time, the philological meetings became rare and spiritless,—in short it was impossible that the peculiar combination of circumstances, which had at first coincided so happily with his wishes and tastes, should remain unchanged, or be welcomed with the same freshness of susceptibility. On the other hand he was encouraged by the warm approbation of Goethe, whom like all his best contemporaries he revered as the undisputed sovereign of literature; above all he had fully determined to make the *History* the business of his life; and as he never shared in the doubts which others might profess of the validity or importance of his discoveries, he could not but feel a just confidence that they would at some time be fully appreciated: he was preparing for the publication of the third volume, when the great events of the time again summoned him into practical life.

In the spring of 1812 he had borne in common with his fellow citizens the inconvenience of having soldiers billeted in

his house, as a portion of the Grand Army passed through Berlin on the fatal march to Moscow. The anxiety with which he waited the result of the gigantic struggle, increased as it was by the conflict between his hatred to the French and his solicitude for the Prussian contingent which had obeyed the irresistible command of the emperor, did not interrupt his lectures and history. The policy of Napoleon shut up almost every source of information except the *Moniteur*, and it was only by vague rumours that the story of his misfortunes first spread: it was also dangerous to commit political remarks to paper; and we only find in Niebuhr's letters at this time a fear expressed that the English might land in Holstein, or on the coast of the Baltic. At last the thirtieth bulletin made public the destruction of the army; fortune once more presented a hope of freedom, and the people of Russia proved themselves worthy to embrace it.

The letters of this period give a vivid representation of the brightening prospects of the nation. There had been several popular tumults even when the French were known to have evacuated Moscow: the account of their utter disorganization came at Christmas, and in January it was evident that the government, which was still undecided, would be unable to preserve peace, if Bulow, who lay with a strong corps on the Oder, should join the advancing Russians. As soon as the die was cast, old soldiers pressed forward with offers of service, only requiring their officers to assure them only by a look that it would be against the French. Horses were collected under the eyes of the enemy, who still held military possession of the country, and were sent off into Silesia for the cavalry. Already Niebuhr himself, weak in body as he was, and sedentary in habits, was practising the infantry exercise in secret. In a few weeks the garrison evacuated Berlin, and the council-house doors were crowded with volunteers, "like bakers' shops in a dearth." Witgenstein pushed forward a detachment to protect the city from any return of the enemy, and the Cossacks amid universal rejoicing bivouacked in the streets of Berlin. Still more gladly did all Prussians see their own army, regenerated as it had been during the years of servitude by the genius of Scharnhorst:—"there is no other army in the world," says Niebuhr, "where the in-

dividual soldier is so much a *gentleman* as in ours." For himself he early applied for an appointment as secretary on the staff of one of the generals, justly considering that his talents would be most usefully employed in business; but in default of this he made up his mind to carry a musket in the ranks. As a Professor he was exempt from the ballot for the *landwehr*, but he determined neither to avail himself of the excuse, nor to depend upon the lot, but to give in his name voluntarily. The noble spirit of his wife, tender and timid for him as she was on ordinary occasions, supported and encouraged him in his intentions of sacrificing all things to duty. In the mean time he shared in the task of liberty by undertaking the editorship of the Prussian Correspondent. Of the spirit that breathes through his addresses to the nation in this paper, some judgement may be formed from the extracts quoted in Mr. Hare's pamphlet. The king rejected his application for leave to serve in the ranks, with a promise, which was soon afterwards made good, of providing him with worthier employment.

In April he was summoned to the head-quarters at Dresden, to negotiate with General Stewart, the present Marquis of Londonderry, the terms on which a subsidy was to be obtained from England. A mission to London for the further arrangement of the same affair he declined, from an opinion that the business could be more advantageously transacted at head-quarters: he was also personally unwilling to leave the seat of war. While he attended the various motions of the Allied Sovereigns through Lusatia and Silesia, he was sometimes exposed to difficulties and alarms, which were formidable to him on account of his wife, who accompanied him; but he would on no account have deprived himself of the experience of the great struggle. In the court indeed, and among the leaders, he found neither enthusiasm nor genius, but his whole heart was with the army. The bravery, disinterestedness and patriotism of the 250,000 men whom Prussia maintained in arms, out of a gross population of five millions, filled him with sanguine hopes of the eventual success of the struggle, and gave him a new bond of union to his adopted country. In August, having signed the treaty of subsidy, he returned to Berlin, and remained there till February 1814,

when he received orders to proceed to Amsterdam to meet the English commissioners of the subsidy. Here he remained till the conclusion of the war. The Royal family paid him much attention, and the constant successes of the allied armies furnished him with continual sources of interest : he had been satisfied, by the campaign of 1813, that Napoleon's ministering devil had left him, a point on which we believe he differs from many high authorities ; and he almost regretted the readiness with which the French at last submitted. He had hoped that the Imperial dignitaries, of whose tyranny he knew so much, would fall with their master, and that the geographical doctrines of his childhood might yet be realized by the restoration of Alsace and Lorraine to Germany. The feelings of the Dutch, who were at the same time engrossed with fears of the probable suppression of the slave trade by the influence of England, harmonized ill with Niebuhr's feelings. The climate disagreed with his health, and he could no longer conceal from himself the increase of a consumptive cough, with which his wife had been for some time afflicted. As soon as his business was finished he paid a last visit to his father, at Meldorf, and then returned to Berlin, where he arrived in October.

At the desire of the king he gave lessons in finance, during the winter, to the Crown Prince, to whom he formed a warm attachment, which appears to have been cordially returned. He watched the proceedings of the Congress of Vienna with deep interest, and published a pamphlet in defence of the claims of Prussia against Saxony, to which Hardenberg attributed great value. He considered that the Congress was too much influenced by Talleyrand, and felt indignant at its refusal to transfer the whole of Saxony to Prussia ; but nothing gave him so much pain as the allotment of East Friesland, including Hadeln, the country of his ancestors, to Hanover,—a measure which appeared to him inexpedient for England as well as injurious to his own government. Confiding in the high spirit of the army to give Prussia her due rank in a new war, he shared with many others a feeling of pleasure in the midst of disappointment, when, in the spring of 1815, Napoleon landed in France.

The joy with which he would have seen the great campaign

which followed, was blighted by domestic affliction. At the end of April his father died at the age of eighty-two, and before he had recovered from the shock, which affected him deeply, he became aware of the imminent danger of his wife. Her sister, Dore Hensler, instantly obeyed his summons, and remained with them till all was over. On the 20th of June Amalie died in her husband's arms, and he found himself alone in the world. They had shared every thought and every interest, public and private, from their youth; and even their childlessness had endeared them more to each other by concentrating the affections of each on a single object. In the happiest parts of his future life Niebuhr felt that he could never be again what he had been, and that half of his spiritual being had died with Amalie. He was a little cheered with the accounts which soon followed of the success of the Allies, but when any new intelligence came, he rose involuntarily to go to his wife's bedside that he might tell her of it. In a short time the government offered him the appointment of Minister at Rome, with a commission to undertake the negotiations with the Papal Court, which were necessary for the government of the Catholic church in Prussia. He accepted the offer, with a melancholy recollection that no one would now share his interest in seeing Italy; but his anticipations of utter loneliness were removed, by the consent of his sister-in-law to accompany him. In the mean time she returned to Holstein, and he, remaining at Berlin, struggled in vain for a season with his grief. His letters at this time are most touching in the depth of their sorrow. "You long," he says to Dore, "to see Malé for an instant. I must not cherish such a wish, for I feel as if it could easily be granted, and cost me my reason. When I am out I sometimes hurry home, as I used to do, because Malé did not like my being away longer than I could help." His health was seriously affected, and it was not till his recovery from a critical attack in the autumn that he was able to resume his habits of intellectual activity. The Chancellor Hardenberg held out to him a prospect of being employed, before his mission to Rome, on a commission for forming a constitution, which was never appointed, and was perhaps never intended to be formed: the project, however, necessarily involved delay, and, as he thought it possible

that the minister was not in earnest as to his diplomatic appointment, he returned for the time to his literary occupations. His first object was the History, not so much on its own account as because his wife had said, with the wisdom of love, when he asked what he could do for her,—“ You must finish the History, if I live,—and if I do not live.” He found it, however, impossible at present to exert his productive faculties; but he continued his instruction to the Crown Prince, and wrote several political and philological pamphlets; and soon after his sister-in-law's arrival, in the spring of 1816, he published the admirable biography of his father, which stands first in the collection of his minor works, and has, we believe, been translated into English.

Madame Hensler was accompanied to Berlin by a niece of her late husband, who had been educated by her, Gretchen Hensler. Fortunately for his future happiness, Niebuhr was led, by the consolation which her sympathy and social cheerfulness afforded him, to wish that she should be thenceforth the companion of his life. The love which he had not to give he did not offer; and she, brought up as she had been to revere and admire him, was willing to wait for the effect of time and custom to withdraw his mind from the past, and secure for herself his undivided attachment. They were both anxious to secure Madame Hensler's company at Rome; but feeling that the sacrifice of her habits and inclinations which she had meditated was no longer called for, and thinking it better that the new-married pair should be left to themselves, she returned to Holstein a short time before the commencement of their journey.

In July, 1816, they set out on their journey to Rome, accompanied by the secretary of legation Brandis. From Hegel, at Nuremberg, his old friend Jacobi, at Munich, and many of the most eminent scholars in the South of Germany, Niebuhr received marks of attention and proofs of appreciation of his History, which gave him additional encouragement to resume it at some future time. In his progress through Bavaria, the Tyrol, and the north of Italy, he employed himself with his usual diligence in examining the libraries for manuscripts and palimpsests, and in collecting statistical and topographical information. At Verona he made the well-

known discovery of the fragments of Gaius, which were afterwards published at Berlin. After a short stay at Florence he proceeded to Rome in October. The materials for the ensuing part of his history are peculiarly rich, as it was in Italy that Lieber lived with him, and collected the agreeable anecdotes of which his book is composed: and we have a still more important contribution to our knowledge of his character and opinions, in the chapter which has been supplied for the present work by M. Bunsen, under the title of "Niebuhr as a Diplomatist in Rome." Our limits, however, will allow us to do little more than refer the reader to our authorities. The external events which influenced his life were few, and the development of his character during the seven years of his embassy can only be understood from a number of minute details.

He arrived in Rome in a desponding and hypochondriac mood, convinced that the climate would be injurious to himself and his wife,—that he should never return, and, above all, that his official exertions would be useless. He was anxious to guard against the encroaching and selfish spirit of Romanism, by excluding it from all interference with the general education of the people: but, at the same time, he considered that justice and expediency alike required that a Protestant government should not tamper with the Catholicism of its subjects. He wished the professional education of their clergy, as well as all their ecclesiastical affairs, to be left in their own hands, not only in pursuance of his constant wish to multiply independent centres of action as the best securities of freedom, but from a conscientious respect for the religious element which he recognised even in Romanism. "How much more easily I could satisfy people," he once said to Bunsen, "if I only was an atheist." He doubted whether the Prussian ministry entered into his views, or wished, as usual, to make a new step in centralization, and he probably distrusted Hardenberg more especially. In the mean time he exerted himself to procure the confidence of the Pope, Pius VII., for whom he felt great respect, and of his minister Cardinal Consalvi, with such success, that they not only made concessions to him more willingly than to any other ambassador, but also frequently consulted him with re-

ference to their negotiations with other German courts. He had left Berlin on the faith of a promise from the Chancellor Hardenberg, that his instructions should follow him immediately ; but, from some unexplained cause, four years passed before he received them, and, in the interval, his official functions were confined to those of an ordinary resident minister.

He found in Rome at first little to interest him. With the buildings and topography he had long been familiar ; and the surrounding country, with the remains of the Latin towns, which he had always considered the richest treasury of antiquities, was rendered inaccessible by robbers. He disliked the climate, till experience had shown him its superiority to that of the north ; but he had a deeper objection to the country, which length of time only tended to confirm. He felt that the Italians were a degraded race, and that the basest of the Italians were the inhabitants of Rome. Their levity, their dishonesty, and utter incapacity to think, excluded the possibility of his holding any social intercourse with them. He attributed to the bigoted and tyrannical government its full share in the moral and physical wretchedness of the population ; yet he was persuaded that any change would be for the worse, except the dominion of a foreign conqueror. French dominion in Germany, he thought, as he had always thought, a triumph of barbarism ; but he now confessed that in Italy Napoleon was the messenger of civilization.

Though he still felt himself unable to continue the History, he read with his accustomed zeal, making it his chief object to acquire a perfect knowledge of the state of Greece and the East, from the death of Alexander to the fusion of all other states in the Roman Empire. He complained, however, that his memory and acuteness were weakened, and his mind was oppressed with melancholy, from which he was not relieved till after a critical attack of illness, from which he had not expected to recover, in the autumn of 1817. Happily a new source of interest had been awakened for him, by the birth of a son, in the previous spring. He had always had great fondness for children, and he now devoted himself to the infant with the whole warmth of his affectionate character. In the succeeding years his wife bore him three daughters, who, with their mother, shared his constant solicitude and love ; but the

first-born, Marcus, remained his favourite. He had formed schemes for educating him, before he was born, and, from the first dawn of his intellect, he began to put them in practice, by talking to him and telling him stories, and, above all, by explaining to him the antiquities by which he was surrounded, which formed the best preparation for classical instruction. He said that he had no wish that his son should be a great scholar, but in every proof of infantine cleverness he took the most undisguised pride and pleasure: many of his letters to Madame Hensler henceforth are principally occupied in accounts of this kind, and there is no part of the correspondence which more agreeably shows the goodness and simplicity of his nature.

From the time of his arrival at Rome Niebuhr took a warm interest in the fortunes of the German artists, devoting a large portion of his income to assist them, and exerting his influence at Berlin to procure them patronage. He also received them willingly at his house, and enjoyed the enthusiastic devotion to their calling, which in some of them was, he saw, bringing about great results. But in course of time he became tired of their onesidedness. Conversation was necessary to his comfort, and he was willing to discuss art in its turn; but it formed only a single element in the vast mass of his intellectual pursuits, and, unfortunately, the painters knew and cared about nothing else. He retained, however, a strong regard for the greatest among them, Cornelius, whom he respected not only for his genius, but for his earnest and religious character. He mentions with approbation, as a proof of the artist's seriousness, a circumstance which occurred at M. Bunsen's. The planet Jupiter was shining through the windows of the room, and Niebuhr said to Thorwaldsen, "Let us drink a health to Jupiter." "*Von ganzem Herzen gerne!*" answered the great sculptor; but Cornelius objected to the impiety, and the proposal was dropped.

Niebuhr's attention was at this time much attracted by religious questions. He saw with dislike and distrust the growing disposition of German Protestantism to relieve itself from historical belief; and, on the other hand, he strongly reprobated the attempt to enforce upon men in the nineteenth century the systematic dogmatism of Luther's age. The Old

Testament he thought it unwise to revive as an article of faith ; yet his views were by no means indefinite, nor, in comparison with those of many divines, lax. He said that no man was a Protestant Christian who did not heartily believe the articles of the Apostles' Creed and the historical truth of the New Testament, excluding, however, the notion of literal inspiration, which had, in his opinion, been unknown during the first ages of the church. His feelings against Roman Catholicism were far stronger. He saw before him an unbelieving priesthood, and a laity, which in the midst of its sordid superstition, had, as far as he could discover, no tincture of religion ; and from this time to the end of his life he was one of the most zealous and conscientious enemies of Popery, doctrinal and political. He saw with alarm the progress of proselytism among the artists ; and, after much exertion, procured from the king the appointment of a Protestant chaplain to the embassy. He had before had his son baptized by an English clergyman, according to the Anglican ritual, and he attended the funeral of the first person who was buried in the Protestant cemetery, while Bunsen read a German version of the service according to the prayer-book. The arrival of the chaplain, Schmieder, was agreeable to him on private as well as on public grounds, for he was fully determined that his son should be an undoubting and pious believer. " I cannot give him this myself," he said, " but support his religious instructor I can and will." Judging from observation and experience, he always connected religious faith with historical belief, which he had himself never thoroughly realized.

His interest in the politics of the world was as active as ever, and brought him little satisfaction. In the governments of Germany, and especially in his own, he saw a want of high-mindedness and confidence in the nation, which ill repaid their magnanimous exertions in the war of freedom. Nevertheless he utterly despised, in accordance with his uniform contempt for changes of forms, the attempts at representative systems, which were commenced in Bavaria and other states ; and he saw with unmixed disapprobation the revolutionary movements of the students and disaffected youth. While their temerity, however, filled him with alarm, and their presumption with indignation, he regretted the severity of the

measures which were adopted against them, saying often that they were a sect and not a party, and that their numbers would be increased by persecutions.

In 1820 the outbreak of the Neapolitan revolution alarmed him for the safety of Rome. His abhorrence of Jacobinism, and his well-founded contempt for those meanest of all slaves who ever yet pretended to freedom, combined with his anxiety for his family to make the approach of the Austrians a welcome event. When they halted on the frontier for want of money, he used his own personal credit to procure it for them, a service which the Emperor acknowledged by sending him the Grand Cross of Leopold. His judgement of the Spanish revolution was the same. He saw that a people without knowledge or principle could by no possible combination arrange themselves into a free government. Their separation into distinct states would, he thought, be the best possible result, except that it would place Spain at the mercy of the compact power of France. He doubted not that anarchy and military tyranny would succeed each other, and that, at best, they could only hope for a political condition, which he thought the most meagre and depressing of any—American republicanism. The interference of France in 1823 he reprobated as an unwise and dangerous act; but his bitterness was chiefly directed against the English House of Commons and Mr. Canning, whom he considered an ambitious and dangerous demagogue. His views on these subjects, which, whether we may differ from them or not, are entitled to respectful attention, will be found fully developed in the (French) letters to the Count de Serre, which are published in the third volume. With this distinguished man, who was at the time ambassador of France at Naples, Niebuhr formed a friendship, such as rarely commences except between the young. He fully agreed in his political views, and admired him as the greatest orator of the age. M. de Serre once asked him for a summary of his views on Roman history, reminding him at the same time that he was himself not a man of learning. "You are neither more nor less learned," replied Niebuhr, "than Demosthenes."

Simultaneously with the beginning of the troubles at Naples his instructions at last arrived, and notwithstanding the necessary interruptions, his activity and his influence with the Pope

and his minister enabled him to bring the arrangements to a satisfactory conclusion in the space of eight months. To avoid any unnecessary delay, he willingly conceded to Hardenberg, who visited Rome at the time, the honour of making the final settlement. His fears of the death of the Pope, and the probable bigotry of his successor, weighed more with him than the desire of diplomatic fame.

When the main object of his mission was accomplished Niebuhr began to consider the prospects of his future life. He had become acclimatized to Rome, and expected that his health would suffer by leaving it. In Germany the lapse of seven years had made great changes : he feared to find his old connexions broken up, and knew that his undisguised opposition to Liberalism had greatly affected his popularity. A desponding temperament is always disinclined to change, and he would have determined to remain at Rome, but for his fear of making his children Italians, and the still more urgent motive of his wife's inclination, who found the climate as injurious to her health as the country had been from the first disagreeable to her tastes. In the spring of 1823, after a short stay at Naples in the society of his friend De Serre, he left Rome on leave of absence for a year ; a middle course which had been suggested to him by his government, in reply to his application for a recall. He travelled through Lombardy and the Tyrol, to St. Gall, where he spent several weeks in researches in the library. The admiration for the Tyrolese, which he had cherished since the glorious war in 1809, was renewed by his closer acquaintance with their country ; and contrasted strongly with his anger at the Jacobinism of the Swiss, which had destroyed, as he thought, every particle of their patriotic spirit. Towards the autumn he arrived at Bonn, which he had determined to make his temporary residence, partly from its neighbourhood to De Serre, who, however, never returned to France, and partly from a wish, under existing political circumstances, to be as far as possible from the Russian frontier.

It was fortunate that the first event which occurred to him after his return to Germany, was the publication by Steinacker, of an attack on his History. In preparing to answer it he discovered a clue to the third great change in the Roman

constitution, and at once determined to recommence the labour which he had so long intermitted. He considered it a good omen, that his resolution was fixed on the anniversary of his betrothing with Amalie. During his residence at Rome he had been constantly increasing the stock of his materials, both by familiarizing himself on the spot with the topography, and by collateral studies, of which his investigations into the municipal constitutions of Italy and Germany, in the middle ages, were among the most important. In his letter to Savigny, the philological reader will find much important information. As a specimen of his characteristic acuteness we may refer to his discovery of the identity between the *rubbio* of seven *pezze*, and the ancient plebeian allotment of seven *juga*. (Vol. ii. p. 380. ff.)

He immediately began to remodel his History, in accordance with his more extended views; but the continuity of his labours was for a time interrupted by the necessity of visiting Berlin for the settlement of his future plans. During his absence there, in the spring of 1824, he lost an infant son, who had been born at Bonn, and had also to lament the death of De Serre. Before he returned, he resigned his appointment as ambassador, and received a grant of the same salary as a pension. In a few months he was again summoned to Berlin, to attend the meeting of the Council of State, which was principally occupied with a proposal for the establishment of a national bank, which he strongly opposed, and finally succeeded in defeating. He often complained of his detention in the capital, which continued till the autumn of 1825; but it amply repaid him by the change which it produced in his feelings. In his separation from his wife and children he found for the first time how completely his happiness was bound up with them, and resolved, instead of dwelling upon the past, to devote himself henceforward to the enjoyment and improvement of what remained. He entered generally into society, and maintained a constant and affectionate intercourse with his unchanging friend the Crown Prince, of whom he entertained the highest hopes; but he steadily resisted all attempts to attach him to the civil service of the state, and finally determined his future career by an offer, which the ministry thankfully accepted, to attach himself as an inde-

pendent member to the University of Bonn. On his return he engaged zealously in his new duties, and continued for the remainder of his life to shed lustre on the place of his choice. He successively delivered lectures on Greek history, from the battle of Chæronea to the destruction of Corinth; on Roman history to the end of the republic, and again to the fall of the western empire; on ancient geography and ethnography; on Roman antiquities; on ancient universal history, and on the history of the last forty years. His vast accumulations of knowledge, and his unfailling memory, enabled him to dispense with the fatigue of preparing his lectures in writing; and his impressive though not fluent elocution, inspired by a vivid imagination, and an earnestness which knew no distinction of ancient and modern times, secured him the attention of the students, who honoured him for his uprightness, and loved him for his kindness. He never forgot the want of assistance which he had experienced in his youth, and kept as a sacred duty the resolution which he had then made, to supply the want to others. The whole pecuniary produce of his lectures he applied either to the assistance of deserving students or to the institution of prizes for the encouragement of philology.

On the eve of his fiftieth birthday, in August 1826, he completed the second edition of the first volume of his *History*. The alterations had grown upon him as he proceeded, and the book was now, as he states himself, a completely new work. It forms no part of our present purpose to point out the changes of his views; but it is remarkable that they were only the development of his first discoveries, and had not been anticipated by his adversaries. According to his own statement, he had seen before that there was a road through the labyrinth, but now he was able to mark it out. In a third edition he made still further alterations, and at the same time occupied himself with the more laborious task of remodelling the second volume, which bore less relation to the studies to which he had devoted himself in Rome. The completion of his task was delayed by the bold undertaking which he formed of publishing an edition of the Byzantine historians, by a number of younger scholars, under his own general superintendence. He edited Agathias himself, and more particularly took pleasure in assisting his son's domestic tutor and his

own favourite disciple, Classen, to whom he assigned a considerable share in the work. The second volume of the History was at last ready for publication, when, on the 6th of February, 1829, an accidental fire consumed a considerable part of his house, of which he had taken possession only in the preceding spring, and, amongst many other papers, destroyed a part of the manuscript. He bore his misfortune with magnanimity, and devoted himself with great energy to replace what he had lost; but he was in some degree unsettled by new proposals which were made to induce him to remove to Berlin; and although he made up his mind not to interrupt the happy life which he had enjoyed at Bonn, he often said at this time that he could not persuade himself that he should remain there beyond the current year, because seven years would then be completed,—the longest period that he had ever spent in one place from the time when he left his father's house.

From the time of Ferdinand's restoration, thinking that the revolutionary spirit was at length effectually quelled, Niebuhr's political fears had been principally caused by the alliance of the Jesuits with the aristocracy in France and Catholic Germany. The disloyal and antinational influence which the priesthood exercised in Rhenish Prussia, by means of the pagan superstition which they maintained among the people, alarmed him the more from the disposition which the French royalists displayed to bid for popularity, by pandering to the unprincipled appetite of their countrymen for foreign conquest. He apprehended however no immediate danger, and while he reprobated the appointment of the Polignac ministry, he persuaded himself that the popular party would submit without resistance to the *coup d'état*, which he foresaw. The revolution of July came upon him like a thunderbolt. He admired the bravery of the Parisian populace, and acknowledged that they were justified; he also thought from the first that it would be a wise measure to raise the Duke of Orleans to the throne: but in the weakness and wickedness of the Bourbon party, which had raised again the long-laid demon of Jacobinism, he saw the cause of the imminent destruction of all civilization and freedom. He never doubted that the French hordes would pour across the Rhine, and again overthrow the

thrones of Germany. The Polish revolution which immediately followed filled up the measure of his alarms. He thought it only remained for Russia and France to contend for universal dominion, and we presume he anticipated that Slavonic barbarism would prevail; for he once said that he might himself have wished to retire to the United States; but that he would rather that his children should grow up German subjects of Russia, than Anglo-American citizens. In his universal despair no ray of hope came from England. The Greek war had placed a final barrier between him and the allies of Turkey, which was not removed by the battle of Navarino,—an event which seems to have satisfied no one. In 1828 he had been alarmed at the failure of the Russian armies, and doubtless regretted that the treaty of Adrianople delayed the expulsion of the Turks from Europe. This was the only form of Liberalism in which he would have sympathised, and unfortunately it was in the adoption of this that England was most backward. The growing power of the movement party during Lord Liverpool's and the succeeding administrations, and the universal abandonment of Lord Londonderry's system, completed the process of alienation which had long been going on in his mind. The degeneracy and decline which he believed to be spreading through the world had already advanced so rapidly, as he thought, with us, that our condition strongly reminded him of that of the Romans in the third century after Christ. He was well aware of the respect which was paid to him in England, but, as he remarks, after reading an eulogistic review of his *History*, he derived no pleasure from it. He thankfully appreciated however the service which Mr. Hare and Mr. Thirlwall rendered him by their admirable translation, and he sent with just pride to his distant friends Mr. Hare's eloquent defence of his character against the *Quarterly Review*. He also urged Mr. Thirlwall to send him the sheets of his *History of Greece*, that he might have it translated under his own eye by Classen, and that he might himself continue it down to the Roman conquest.

M. Bunsen, who mentions with pleasure the respect felt for Niebuhr in England, illustrated as it is by the fact that more copies have been sold of the English translation than of the original, must we think read with pain the bitter expressions

of censure and dislike with which in later life he always spoke of our country. For ourselves, while we are firmly convinced that his fears were unaccountably exaggerated, we are more inclined to take warning than to cherish resentment. That his alarms pointed to a real danger, we believe; and where we cannot understand his opinions, we are bound to suspect our own dullness of apprehension.

On the breaking out of the July revolution Niebuhr had cautioned the students, in an earnest address, against any attempts which might be made to tamper with their allegiance to their king and country. In the uncertainty of the future he urged on the completion of his second volume, which he published in the summer, with the well known preface in which he expressed his sorrowful anticipations. He had now lived seven years at Bonn. On Christmas-Eve, 1830, he caught a cold which confined him to his bed, and on the second of January 1831 he died. His wife attended him during his illness day and night, till she was also unable to leave her room; yet she crept once more, when she could not stand by herself, to see him. She could not weep? and once only when his picture was brought her her eyes were moistened. Nine days after her husband she died of a broken heart, and was buried in the same grave, which has been decorated with a monument by the affection of the Crown Prince of Prussia. The children went under the protection of Classen, who long devoted himself to the son of his patron and friend, to join their chosen and natural guardian Dore Hensler, who had acted a mother's part by their mother, and for more than thirty years had been their father's friend, confidante and guide. "She has directed my life," he told De Serre, "like a guardian angel; and now like a departed spirit stands before me and above me in a better world: a friend who has awakened and inspired the best powers of my heart and my intellect."

In person Niebuhr was small and weak, his habits were temperate and regular, and he had the good sense to find time for conversation and domestic enjoyment in the midst of the most severe studies. He entered with earnest sympathy into all the little interests and conventional jokes of his family and friends, and he writes with quite as much eagerness about

Marcus's learning great E, or Cornelia's flowered frock for her birth-day, as about consuls or cabinets. "I shall teach little Amalie to write, myself," he said, "for her mother has no time for it, and the poor little thing might be jealous of Marcus if one of us did not teach her." To his dependents he was kind and considerate. "I wish I had taken the governor's room, when we got into the house first," he told his sister-in-law, "but, anti-revolutionist as I am, I am too much of a democrat to turn her out now, in right of superior rank."

We have endeavoured not to criticise Niebuhr's historical genius, but to show its admirers the outward circumstances under which it was developed. Savigny, who from his relation to the historian and his own qualifications has a better title to speak of the great work than any man now living, may be allowed to excuse our silence, by his declaration that no just opinion can be formed of it during the present generation. We cannot perhaps better express our general view of his distinctive characteristics than by calling him the Cuvier of ancient history. His knowledge of comparative mythology and history enabled him to place every isolated fact in the proper place of the skeleton from which it had been severed. To the unsuspecting victims of traditionary dogmatism he may appear a teacher of scepticism; but the critic will recognise the fact that his aims were always positive. He cared nothing for the proof that Romulus and Remus were not suckled by a wolf, except as the easy first step in the discovery of the origin of Rome. His subject in the first two volumes was so obscure, and the results of his inquiries so exclusively the product of his own sagacity, that it is difficult to say how he would have succeeded as a narrator of undisputed events. In minor writings his language is perhaps too warm and zealous; as for instance in the attack on Xenophon, which is translated in the *Philological Museum*. But he was quite as much in earnest about the Peloponnesian war, as we are about the ballot, or the corn laws. It may be useful to know that in his boyhood his studies were almost exclusively confined to original classical authors: he made acquaintance with commentators, after he had thoroughly familiarised himself with the thoughts and habits which produced the words which they illustrated. His closer knowledge of modern authors began

with Dante, and extended over the principal works and much of the popular literature of every living language. His chief worship was paid to Goethe, but he freely blamed his Italian Travels, his Wilhelm Meister's Years of Travel, and others of his later works, in which he thought that a worldly and sneering spirit prevailed. He liked Scott's and Cooper's novels, but on his death-bed he got tired of the diffuseness of one of the works of the American writer, and requested Classen to read to him Josephus instead.

We have quoted many expressions which concern his political opinions, but to a great extent we must leave them in the obscurity in which we find them. He was through life an alarmist, and time must show whether he was right in crying aloud, or the world in not regarding him. For the last ten years of his life he was unalterably convinced that an age of barbarism was returning. Even earlier he prophesied the extinction of the great rival churches; of Protestantism with its heartless abstractions, and of Popery with its effete falsehoods; but he acknowledged that in England Christianity stood unmovable (*felsenfest*.) It is remarkable that he should have been accused of connexion with revolutionary societies, and that the paternal wisdom of the enlightened government of Austria should have proscribed his *Kleine Schriften*; nevertheless that his name should even yet be a mark for abuse to the theoretical enthusiasts of freedom. The truth was that he clung to constitutional rights,—if plebeian, from sympathy,—if aristocratic, from principle,—but still to something founded on custom and history, which is always the common terror of the Jacobin and the despot. He had suffered much annoyance through life from the paltry insolence of oligarchy: even in Rome he was indebted to the respect paid him by the high-born French ambassador, Count de Blacas, for his exemption from the contempt or condescension of his fellow-diplomatists. Yet he was firmly convinced that equality can make no resistance to despotism, and that a privileged class is the only permanent guardian of freedom. He would never accept the predicate of nobility, and remembered with pride that his father had refused it before him. "Do you think I would insult my family, as if I was too good for them?" said the proud and simple old man. A peasantry of freeholders,

independent local administration, division of ranks with strict confinement of each to its constitutional functions, religious reverence for the historical constitution, and utter rejection of foreign interference, were the requisites which he demanded in a free state. Representation he valued little except when it had developed itself as in England by degrees from the national wants; and in general he thought that the right of citizens was not to govern except as it might be incidentally necessary to their being well governed. His views are the more important because he stands among his own countrymen almost alone in the preference of experience and practice to theory: they will we hope be more fully known hereafter. In the mean time for many reasons we cordially recommend to our readers the study of his character and opinions.

ARTICLE V.

1. *Correspondence relative to the affairs of Canada.* Presented to both Houses of Parliament by command of Her Majesty, 1840.
2. *Papers respecting Emigration.* Ordered by the House of Commons to be printed March 10, 1840. No. 113.
3. *Correspondence with the Secretary of State relative to New Zealand.* Presented to the House of Commons by the Queen's command, in pursuance of an address to Her Majesty of the 8th of April, 1840.

THERE is no subject which attracts a greater share of public interest at present than the plan recently adopted by the government for the management of our colonial lands, and the arrangements made for conducting emigration on the self-supporting system. Many conflicting statements and exaggerated descriptions have been lately circulated by rival parties interested in directing emigration into particular channels, with a view of influencing in the choice of a settlement that

portion of our fellow-citizens who have their eyes turned towards our colonial possessions as the place of their future residence; and it may be therefore useful to direct their attention to such sources of information on this subject as appear most worthy of confidence.

Whatever differences of opinion may exist as to the means best calculated to promote the welfare of society in a new colony, it is, we believe, universally allowed that there is nothing which exercises a more powerful influence upon it for good or for evil than the mode adopted for the disposal of waste lands. It is difficult to say whether a careless profusion or a narrow limitation in their distribution is most to be avoided. In the one case large portions of the wilderness are interposed between the settlers, co-operation is prevented, and communication cut off; the creation of markets, the growth of towns, the extension of civilization, are impeded; and the population, detached into small isolated communities, are condemned to remain, perhaps for centuries, in a state of helpless and hopeless existence. On the other hand, if the capitalist be prevented from choosing the situation which he deems most favourable, and if a range of soil be not afforded sufficiently ample for the operations of labour, to compensate for the disadvantages always attendant on a newly settled state, there will not be sufficient inducement offered to him to risk the perils and chances he must be prepared to encounter in his new enterprize, even under circumstances the most encouraging. It is therefore the first duty of a government to determine and fix the golden mean between these two extremes, which will have the effect of keeping society together, and at the same time allow a sufficient degree of expansion in the field of employment for labour. The error that has hitherto prevailed appears to have been on the side of profusion. The difficulties that attended the early colonists can, we think, be generally traced to the great extent of the tracts of land granted to individuals, which made every settler a landowner, and limited the power of production to the feeble efforts of unassisted labour. For this evil the sagacity of William Penn devised a remedy in his settlement of Pennsylvania. When the Crown granted to him the sole possession of that large extent

of country in consideration of services rendered by admiral Penn, his father, he offered the land for sale at the low price of 40*s.* per 100 acres, and 2*s.* the 100 acres quit-rent; but, in order to counteract the usual effects of this easy mode of acquisition, he made a regulation that no person should be allowed to settle beyond a certain distance from a place of worship, which compelled the population to remain together.

By an Act of Elizabeth, rogues that were found dangerous to the people were liable to be banished the realm*, and in the reign of Charles II. the judges were empowered to execute, or transport to America for life, the moss-troopers of Cumberland and Northumberland†. Under the provisions of these statutes a great number of convicts were sent out of the country, who were assigned to the early settlers in the American colonies, and by this means and the purchase of slaves they generally endeavoured to counteract the calamities they had all, more or less, experienced in consequence of their dispersed and isolated population.

Notwithstanding the mighty tide of emigration which continued to flow from this country to the colonies from a very early period, there were few parliamentary or administrative proceedings on this momentous question deserving of notice before the years 1826 and 1827, when it was investigated at great length, and a mass of information collected upon it by two committees of the House of Commons, of which Mr. Wilmot Horton was chairman. To these committees the reports of the sessions 1823, 1824 and 1825, on the state of Ireland and the employment of the poor in that country, were referred, and also several petitions and memorials which had been presented to the colonial department from persons desirous of emigrating from the United Kingdom. It appeared to them in 1826, that while there existed a redundant population, which was found to repress industry at home, the prosperity of the colonies would be materially promoted by the reception of this population; but they did "not feel that, in the prosecution of their examination of this most important and comparatively unexamined subject, they had either the time or

* 39 Eliz. c. 4. See Barr. Ant. Stat. 269.

† 18 Car. II. c. 3. 2 Wood, 498.

“the opportunity to perfect that scope of inquiry which would justify them in offering to the House any specific recommendations with respect to the manner in which it might be convenient to make any experiment of emigration on an extended scale*.” During the years 1823 and 1825 an experimental emigration from Ireland to Canada, supported by parliamentary grants, had been carried into effect. The total expense of that of 1823, including one year’s provision for the settlers after location, and other necessaries, amounted to 12,539*l.* 3*s.*, or 22*l.* 1*s.* 6*d.* per head, for 568 persons. In 1825, 2024 persons were in like manner removed at an expense of 43,145*l.*, including their location and support until they were enabled to provide for themselves. This expense appeared to have been fully justified by the result of the experiment, for according to a calculation made by Mr. Robinson, the superintendent employed by government to accompany them to Canada, the value of the produce of the first year’s labour of the emigrants of 1825 amounted to 11,272*l.* 8*s.*; a sum equivalent to one-fourth of the expenditure†. The committee, however, were of opinion that any future sum contributed from the national funds for the purpose of emigration should be ultimately repaid, and they entered very fully into the consideration of the various modes by which this object might be attained; but none of the schemes which they proposed for this purpose were carried into effect. In the mean time a very extensive, but altogether unregulated voluntary emigration was flowing into the Canadas. This commenced soon after the final establishment of peace in 1815. In 1817 it amounted to 6976 persons; in 1818 to 8221; in 1819 to 12,907; in 1820 to 11,239; in 1821 to 8056; in 1822 to 10,470; in 1823 to 10,258; and in 1824 it reached the amount of 75,000 persons, three fifths of whom were Irish, and the other two fifths English and Scotch. From that period to the year 1831 the average annual emigration to these colonies amounted to above 20,000 persons in a year, independent of that to the United States. In 1832

* First Report of 1826.

† Appendix to Second and Third Reports of the Select Committee on Emigration, 1827.

there arrived at Quebec 51,746; in 1833, 21,752; in 1834, 30,935; in 1835, 12,527; in 1836, 27,728; in 1837, 22,500; and in 1838 only 4992, a diminution occasioned by the distracted state of the colonies during that year. The greater proportion of these persons were little better than paupers. Of the English and Scotch it was calculated that about one fourth brought money or other resources with them; but of the Irish, who were as we have stated the larger proportion, scarcely one twentieth landed at Quebec with any other property than the scanty covering on their backs, and the bedding with which they had provided themselves for the voyage.

The worst description of vessels were commonly employed in the emigrant trade, and disasters at sea were frequent, while in those that escaped it was not uncommon for typhus fever to break out, occasioned by the insufficiency of provisions and the total disregard to the necessary precautions on the part of the masters and owners. On their arrival at Quebec the surviving passengers were frequently conveyed from the ship to the emigrant hospital, where there existed very inadequate accommodation for the numbers that required assistance; and many who escaped the fever were landed on the wharfs, without means of procuring food or shelter. To remedy this evil the Act 9 Geo. IV., called the Passengers' Act, was passed in 1825.

In the preceding year the members of the Quebec Emigrant Society laid before the Earl of Dalhousie, commander of the forces, a statement of the manner in which the sum of 750*l.*, placed at their disposal by his Majesty's government for the relief of emigrants in Canada, had been applied. They remarked in this document that the influx of emigrants disembarking at the port of Quebec had not been lessened, the number having amounted in the then last season to 10,258, and that the proportion of these who were unable to proceed further was by many degrees greater than the city could either provide for, by means of labour, or relieve by means of charity, especially after the commencement of that severe season, which at once diminishes the sources of employment and increases the wants of the poor. Independent of the burthen imposed on the community in consequence of emigrants arriving in Canada without sufficient means, much

practical inconvenience and occasional suffering resulted from the absence of any adequate authority at home to enforce the fulfilment of the regulations of the Passengers' Act; and of any means of affording to the peasantry accurate information as to the new country to which so many of them were hastening, and respecting which they generally entertained the most erroneous impressions. In 1831, a commission was appointed for the regulation of emigration, composed of the Duke of Richmond, Lord Howick, Mr. Francis Baring, Mr. Hay and Mr. Henry Ellis. The first advantage which resulted from this was the appointment of officers in the principal ports of emigration in England, Scotland and Ireland, whose duty it was to see that all emigrant ships were seaworthy;—that they did not carry more passengers than they could conveniently accommodate;—that the provisions laid in for the voyage were unobjectionable in quantity and quality; and to adopt every possible precaution for the protection of emigrants from the various kinds of fraud which had been generally practised upon them.

In 1835 an amended Passengers' Act was passed; and in 1837 the provincial government passed two measures to mitigate the evils which still continued to exist in the mode of conveying emigrants to Quebec, notwithstanding the appointment of agents. One was to levy a tax upon passengers from the United Kingdom to British America, to be applied to the relief of destitute emigrants, and the other to establish a quarantine station at Grosse-Isle. This island is situate some miles below Quebec, where vessels are detained on their arrival in cases of contagious disease existing among the passengers, who are thereupon removed to an hospital on the island. The last-mentioned provision has produced a most salutary effect on shipowners and emigrants; but we entertain great doubts of the expediency of the former. The emigrant tax was imposed at the instance of the home government, from the inability of Quebec to make adequate provision for the sick or indigent amongst the multitude of emigrants who pass through that city on their way to the townships of Upper Canada, and often to the United States. But this provision ought to be made by a provincial grant. The colonies have a deep interest in holding out every possible encouragement

to the influx of British settlers; and the fund necessary for relieving the casual wants of the emigrant who brings his labour to increase the prosperity of the Canadian provinces ought to be provided for by the provincial legislature. This impolitic capitation-tax will, we hope, be discontinued at the expiration of the limited period for which it was last renewed by the Special Council, which we believe will be the first of May next.

Notwithstanding the appointment of officers to superintend emigration, there appears to be still ample room for further improvement. It is no doubt difficult to enforce proper regulations between persons who charter vessels for emigration solely with a view to profit, and Irish emigrants with slender means, little regard for comfort, and most anxious to emigrate in a body with their friends and neighbours. Still it is of the greatest importance that provisions be closely inspected, that the proportion between the number of passengers and the tonnage be enforced; that the classified list required by the act be strictly examined; that cleanliness and ventilation be scrupulously enforced; that an adequate supply of tea, sugar, coffee, requisite for passengers indisposed to solid food, be provided, and that each emigrant shall have sufficient stores for the voyage; that the water casks be sound and sufficient in number; that it be seen that the vessel has not false decks below the beams, a system sometimes adopted to evade that part of the law which regulates the height between decks, and which is most injurious to passengers by placing them in contact with the damp ballast, and pressing them into the narrow part of the ship; that the medical superintendents should be properly qualified, and that adequate information, advice and guardianship should be supplied to the emigrant on his arrival in America. In addition to this it would be highly beneficial to adopt some better regulated system than at present exists, under which emigrants might be enabled on their arrival in the colony to provide for their own subsistence, or directed to that quarter where their labour was most required, and might be most profitably employed.

In Upper Canada and New Brunswick the sale and management of waste lands was vested by several local acts in

certain local authorities. The plan which had been adopted in their distribution was an universal subject of complaint to the settlers, and was highly injurious to their interests and to the general improvement of the colony. The lands were parcelled out into parallelograms or squares for the purpose of being disposed of, and these were subdivided into seven portions, of which the government reserved two,—one for the Crown and another for the clergy. The portion cultivated by the settler was frequently much diminished in value by reason of its proximity to the reserves, which, remaining unoccupied and uncultivated, prevented the formation of roads, and the means necessary for transporting the produce of the farms*. Notwithstanding this drawback, the progress of the Canadas, in internal improvement and political importance, has been very considerable. In 1714 the entire population of that country did not exceed 27,000; and in 1783, after twenty-four years of English colonization, it only amounted to 113,000†. It is at present about a million and a quarter. Banister, "On Emigration," estimates the lands of British America, cultivated and uncultivated, to be 145,000,000 of acres. A great portion still remains unsettled, and presents a field of the most ample promise to the emigrant for centuries to come. Forests of the finest timber, soil of the richest description for the purposes of agriculture, extensive mineral districts, and fisheries almost unlimited, require nothing but a large population to produce wealth in abundance. Plenty of fuel and abundant water-power offer themselves to the consideration of the manufacturer. The merchant is attracted by safe and spacious harbours, and the numerous rivers which supply cheap and abundant facilities of inter-communication, and on all sides the materials of industry, ample and unappropriated, invite and promise to reward the exertions of the settler.

With such a power of production, and possessing such means for the beneficial employment of the superabundant

* The question of the clergy reserves, which has been a fruitful source of discord for upwards of twenty years, is now we trust about to be settled. A bill has been passed by the colonial legislature for the sale of these lands, and the distribution of the proceeds, which is at present before the Imperial Parliament.

† Chartrain's Memoirs.

capital and labour of Great Britain, it may perhaps excite surprise that the tide of emigration to North America should not have been still more rapid than it has been. This may be accounted for by the obstacles thrown in the way of our countrymen settling in these colonies. The most important of these is the mode adopted in the disposal of land, which has had the fatal effect of placing a vast extent of territory out of the control of government, and yet of retaining it in a state of waste. Amongst the advantages which the public owe to the short administration of the Earl of Durham in that country, the exposure of this system, by means of a commission of inquiry issued by that nobleman, is not the least important. It appears from official returns thus obtained, that out of about 17,000,000 of acres comprised within the surveyed districts of Upper Canada, less than 1,600,000 are yet unappropriated; but of this amount 450,000 acres are required for the reserve for roads, and 500,000 acres to satisfy claims for grants founded on pledges made by the government. The remaining 650,000 acres open to grant, consist, for the most part, of land inferior in position and quality. In Lower Canada, out of 6,169,963 acres in the surveyed townships, nearly 4,000,000 acres have been granted or sold; and there are unsatisfied, but indisputable, claims for grants to the amount of about 500,000. In Nova Scotia nearly 6,000,000 of acres have been granted; and, in the opinion of the surveyor-general, only about one-eighth of the land which remains to the Crown, or 300,000 acres, is available for the purposes of settlement. The whole of Prince Edward's island, about 1,400,000 acres, was alienated in one day. In New Brunswick 4,400,000 acres have been granted or sold, leaving to the Crown about 11,000,000, of which 5,500,000 acres are considered fit for immediate settlement.

Of the lands distributed in Upper Canada, 3,200,000 have been granted to "U. E. Loyalists," being refugees from the United States who settled in the province before 1787, and their children; 730,000 acres to militiamen; 450,000 acres to discharged soldiers and sailors; 255,000 acres to magistrates and barristers; 136,000 acres to executive councillors and their families; 50,000 acres to five legislative councillors and their families; 36,900 acres to clergymen as private pro-

perty; 264,000 acres to persons contracting to make surveys; 92,526 acres to officers of the army and navy; 500,000 acres for the endowment of schools; 48,520 acres to Colonel Talbot; 12,000 acres to the heirs of General Brock, and 12,000 acres to Doctor Mountain, a former bishop of Quebec; making altogether, with the clergy reserves, nearly half of all the surveyed land in the province. In Lower Canada, exclusively of grants to refugee loyalists, as to the amount of which the Crown Lands' department could furnish no information, 450,000 acres had been granted to militiamen; 72,000 acres to executive councillors; about 48,000 to Governor Milne; upwards of 100,000 acres to Mr. Cushing and another, as a reward for giving information in a case of high treason; 200,000 acres to officers and soldiers; and 1,457,000 acres to "leaders of townships"; making altogether, with the clergy reserves, rather more than half of the surveyed lands originally at the disposal of the Crown. A very small proportion of the land in Upper Canada,—perhaps less than a tenth,—thus granted, has been even occupied by settlers, much less reclaimed and cultivated; while in Lower Canada, with the exception of a few townships bordering on the American frontier, which have been comparatively well settled, in despite of the proprietors, by American squatters, it may be said that nineteen-twentieths of these parts are still unsettled, and in a perfectly wild state*.

The chief agent for emigrants in Upper Canada states with reference to this system:

"The principal evils to which settlers in a new township are subject, result from the scantiness of population. A township contains 80,000 acres of land; one-seventh is reserved for the clergy, and one-seventh for the Crown; consequently, five-sevenths remain for the disposal of government, a large proportion of which is taken up by grants to U. E. Loyalists, militiamen, officers and others; the far greater part of these grants remain in an unimproved state. These blocks of wild land place the actual settler in an almost hopeless condition; he can hardly expect, during his lifetime, to see his neighbourhood contain a population sufficiently dense to support mills, schools, post-offices, places of worship, markets or shops; and without these, civilization retrogrades. Roads, under such circumstances, can neither be opened by the settlers, nor kept in proper repair, even if made by the government. The inconvenience arising from want of roads is very

* Lord Durham's Report on British North America, and Appendix B.

great, and is best illustrated by an instance which came under my own observation in 1834. I met a settler from the township of Warwick on the Caradoc plains, returning from the grist-mill at Westminster, with the flour and bran of thirteen bushels of wheat; he had a yoke of oxen and a horse attached to his waggon, and had been absent nine days, and did not expect to reach home until the following evening. Light as his load was, he assured me that he had to unload wholly or in part several times; and after driving his waggon through the swamps to pick out a road through the woods where the swamps and gullies were fordable, and to carry the bags on his back and replace them in the waggon. Supposing the services of the man and his team to be worth two dollars per day, the expense of transport would be twenty dollars. As the freight of wheat from Toronto to Liverpool (England) is rather less than 2s. 6d. per bushel, it follows that a person living in this city could get the same wheat ground on the banks of the Mersey, and the flour and bran returned to him at a much less expense than he could transport it from the rear of Warwick to Westminster and back,—a distance less than 90 miles. Since 1834 a grist-mill has been built at Adelaide, the adjoining township, which is a great advantage to the Warwick settlers; but the people, in many parts of the province, still suffer great inconvenience from the same cause*."

Mr. Rankin, deputy-land-surveyor, says:

"To such an extent have these difficulties been experienced, as to occasion the abandonment of settlements which had been formed. I may mention as an instance of this the township of Rama, where, after a trial of three years, the settlers were compelled to abandon their improvements. In the township of St. Vincent almost all the most valuable settlers have left their farms for the same cause. There have been numerous instances in which, though the settlement has not been altogether abandoned, the most valuable settlers, after unavailing struggles of several years with the difficulties I have described, have left their farms†."

There is a mass of evidence to the same effect, for which we refer our readers to the Minutes of Evidence. Efforts have been made occasionally by the home government to remedy this evil, so destructive to the best interests of the colony; but these have been generally defeated by the local executive. Instructions were sent out immediately after the passing of the Constitutional Act, to restrain excessive grants of land; and directing, that in future no farm-lot should be granted to any person, being master or mistress of a family, in any township to be laid out, which should contain more

* Lord Durham's Report and Appendix B. Minutes of Evidence, qu. 1014.

† *Ibid.*, qu. 1084.

than 200 acres. The governor, however, was invested with a discretionary power to grant additional quantities in certain cases, not exceeding 1000 acres. The greater part of the land granted to "leaders of townships" was granted to individuals at the rate of from 10,000 to 50,000 to each person, who, to evade the regulation, usually got a petition, signed by the requisite number of persons, praying for a grant of 1200 acres to each; but they, in the capacity of leaders, usually obtained the whole of the land. A committee of the House of Assembly, who afterwards investigated this evasion of the instructions of the Crown, reported that it was fully within the knowledge of certain persons in the colony who possessed and abused His Majesty's confidence. In July 1827 instructions were, in like manner, forwarded to the colony from the home government as to the disposal of public lands in Upper Canada, directing that free grants should be discontinued, and a price required for land alienated by the Crown. The quantity of land disposed of by sale since those instructions were given, is stated to amount to 100,317 acres; while the quantity disposed of by free grant during the same period, all in respect of antecedent claims, is about 2,000,000 acres. In 1831 Lord Ripon confirmed and endeavoured to enforce an uniform system of sale; yet in Upper and Lower Canada, where this system has been established since that period, there were, at the date of Lord Durham's report, unsettled and probably indisputable claims for free grants to the amount of from 1,000,000 to 1,300,000 acres*. By an Act of the Imperial Parliament (7 and 8 Geo. IV. c. 62), the quantity of the clergy reserves to be sold in one year was limited to 100,000 acres, and the whole amount to be sold to one-fourth of the whole quantity reserved; but, in violation of this act, there were sold, in 1835, 111,277 acres, and in the whole 309,554 acres, out of 647,895 acres reserved†.

A source of great perplexity and litigation in these colonies is the inaccuracy of the surveys of public land. In many cases the boundaries of land granted have never been surveyed or laid down at all; and it has frequently happened, that differ-

* Lord Durham's Report and Appendix B., qu. 109, 110.

† Return from Office of Crown Lands, Quebec, No. 22.

ent grants have been made for the same lot. This arose from the deficiency of persons competent to make surveys, and has been continued by the practice of letting out the surveys to any one willing to contract for them for a certain quantity of land, and who, in some cases, hurried through a township with such extreme carelessness and inaccuracy, that there are instances in which scarcely a single lot is of the dimensions, or in the position assigned to it in the diagram. Mr. Sewell, late chief-justice of the province, states :

" I have known of many defects in the surveys, which have appeared in many cases before me, and am apprehensive that they are very numerous. I can only state from my own opinion two remedies by which these defects may be in some degree remedied ; the one is by running anew the outlines of the several townships ; the other, an Act to give quiet possession, such as has been heretofore passed in other provinces. I am afraid that running the outlines of the townships would not be of any great benefit beyond exposing the errors*."

When we turn to the system adopted by the United States, we find a striking contrast to the mismanagement and abuses we have noticed. Since the year 1796 the disposal of public land, not already appropriated to particular states, has been regulated by one uniform law of Congress. The extent of territory within the bounds of the Union is immense. By the treaty of 1783 between Great Britain and the United States, the Mississippi was declared to be the western boundary of the new republic ; on the north its limits were not specifically defined, and the line between New Brunswick and the state of Maine is still unsettled. By the treaty of Fort Stanwix in 1784, the Indian tribes, comprising the Six Nations, ceded a large tract of country to the federal government west of a certain line, described in the treaty, in consideration that they should remain in undisturbed possession of the remaining portion, which they retained for their own use. The House of Representatives reported on the 16th of February 1827, that the quantity of land purchased from or ceded by the Indians, to that date, was about 200,000,000 of acres ; and the expense which had been thereby incurred, in payments and contributions, amounted to 3,868,379 dollars, or about two cents, or *one penny sterling per acre* !

* Appendix B. Minutes of Evidence, qu. 523.

Louisiana, containing 750,000,000 of acres, was ceded by France to the United States by the treaty of 1803, under which the latter claim the right of extending their dominion to the Pacific. The quantity of their public lands yet remaining unsold is estimated at 1,000,000,000 acres. Within the territorial limits of several of the Atlantic states a considerable portion of the soil belongs to the state or the local government, and is sold for its exclusive advantage; but in the western and southern states, the unappropriated domain commonly belongs to the general government, and not to the state wherein it is situated. The receipts of the Federal Government, arising from the sales of public lands from 1796 to 1835, amounted to the immense sum of £12,439,049 18s. 3d. The sales of land are by public auction, and an upset or minimum price is fixed by Act of Congress. By the Act of May 18th, 1796, that price was declared to be two dollars per acre. The purchaser was required to deposit, at the time of sale, one-twentieth part of the amount of the purchase-money, to be forfeited if a moiety of the sum bid, including the twentieth part, was not paid within thirty days; and for the payment of the residue he was allowed one year's credit. The system of credit was not, however, found to work well, and was abolished by the act of the 24th of April 1820.

A general office for the sale of public lands is established at Washington, under the direction of a responsible officer, who has no political duties to discharge; and forty subordinate offices are placed at convenient districts throughout the Union, with a registrar and receiver in each. A half-yearly sale takes place in every district of twenty townships; but this quantity can be increased, as circumstances require, by order of the president. The surveyor-general, when a certain portion of territory is required to be surveyed, has the work performed by contract. The law fixes a maximum price of three dollars per mile for a survey in the upland and prairie countries, and four dollars in the southern. The lowest bidder is commonly appointed, where he is considered by the surveyor-general properly qualified; and as there is generally a great competition, the surveying department is managed with the most rigid economy, and the work executed in the

best manner. By the act of 1820, the minimum price at which the lands are offered for sale, by public auction, is fixed at 1 dollar and 25 cents per acre. The highest bidder is declared the purchaser, and is required to pay the full amount of the purchase-money in cash on the day of sale; otherwise the land is again set up on the next day of sale, and the defaulter is not permitted to become the purchaser of that, or any other tract, so long as it remains unsold. When the public sale is closed, the lots remaining undisposed of may be purchased by private sale, at the land-office, at 1 dollar and 25 cents per acre, cash down; but if there be two or more competitors at the private sale, the lot is disposed of to the highest bidder. A section is usually put up at once, containing 640 acres; but, in some cases, a half and even a quarter of a section has been put up separately, to meet the wants of purchasers. The sales are previously advertised in the local newspapers; and the receiver and registrar make a periodical report to the general land-office, specifying the amount of cash received, and the quantity of land sold; and the money is remitted to the treasury. The chief land-officer makes a similar report to the secretary, and the secretary to Congress, which reports are published and distributed.

"This system," in the language of Lord Durham, "appears to combine all the chief requisites of the greatest efficiency. It is uniform throughout the vast federation; it is unchangeable save by Congress, and has never been materially altered; it renders the acquisition of new land easy, and yet by means of a price, restricts appropriation to the actual wants of a settler; it is so simple as to be readily understood; it provides for accurate surveys and against needless delays; it gives an instant and secure title; and it admits of no favouritism, but distributes the public property amongst all classes and persons upon precisely equal terms. That system has promoted an amount of immigration and settlement, of which the history of the world affords no other example; and it has produced to the United States a revenue which has averaged about half a million sterling per annum, and has amounted in one twelvemonth to above four millions sterling, or more than the whole expenditure of the Federal Government!"

But the different systems adopted by the two countries are best exemplified by the picture which the American and British sides of the frontier line present.

"On the American side," Lord Durham observes, "all is activity and bustle. The forest has been widely cleared; every year numerous settle-

ments are formed, and thousands of farms are created out of the waste ; the country is intersected by common roads ; canals and railroads are finished, or in the course of formation ; the ways of communication and transport are crowded with people, and enlivened by numerous carriages and large steam boats. The observer is surprised at the number of harbours on the lakes, and the number of vessels they contain ; while bridges, artificial landing places, and commodious wharfs are formed in all directions as soon as required. Good houses, warehouses, mills, inns, villages, towns and even great cities, are almost seen to spring up out of the desert. Every village has its schoolhouse and place of public worship. Every town has many of both, with its township-buildings, its book-stores, and probably one or two banks and newspapers ; and the cities with their fine churches, their great hotels, their exchanges, courthouses and municipal halls, of stone or marble, so new and fresh as to mark the recent existence of the forest where they now stand, would be admired in any part of the old world. On the British side of the line, with the exception of a few favoured spots where some approach to American prosperity is apparent, all seems waste and desolate. There is but one railroad in all British America, and that running between the St. Lawrence and Lake Champlain is only fifteen miles long. The ancient city of Montreal, which is naturally the commercial capital of the Canadas, will not bear the least comparison in any respect with Buffalo, which is a creation of yesterday. But it is not in the difference between the larger towns on the two sides that we shall find the best evidence of our own inferiority. That painful but undeniable truth is most manifest in the country districts through which the line of national separation passes for 1000 miles. There, on the one side of both the Canadas, and also of New Brunswick and Nova Scotia, a widely scattered population, poor and apparently unenterprising, though hardy and industrious, separated from each other by tracts of intervening forest, without towns and markets, almost without roads, living in mean houses, drawing little more than a rude subsistence from ill-cultivated land, and seemingly incapable of improving their condition, present the most instructive contrast to their enterprising and thriving neighbours on the American side*."

This subject will doubtless be amongst the first which an united legislature will take into consideration, when the proposed union of the provinces shall have been carried into effect, and it will then be probably determined whether grantees have a right to keep vast tracts of land in a wild and unprofitable state, to the permanent injury of the community.

We find that during a period of seven years, from 1829 to 1835 inclusive, the number of emigrants who arrived at Quebec from the United Kingdom amounted to 208,691, or on

* Lord Durham's Report, p. 75.

an average 29,813 in each year. During the same period the number of emigrants who arrived at New York amounted to 143,213, or on an average 20,459 in each year. But in 1836 the number who arrived at Quebec was 27,002, and at New York 59,075; and in 1837 the arrivals at Quebec were 21,627, while at New York they were 34,000*.

The number of emigrants who embarked from the various ports of the United Kingdom to the North American colonies during the year 1838 was unprecedentedly small. It amounted only to 4,577. During the same period the number to the United States amounted to 14,332. The following are the proportions:—

	North American Colonies.	United States.
England	1,572	12,566
Scotland	721	597
Ireland	2,284	1,169
	<hr/>	<hr/>
United Kingdom	4,577	14,332
	<hr/>	<hr/>

The number of emigrants who embarked from the various parts of the United Kingdom during the year 1839, was, to the North American colonies 12,658, and to the United States 33,536. The following are the proportions:—

	North American Colonies.	United States.
England	2,251	30,142
Scotland	1,418	551
Ireland	8,989	2,843
	<hr/>	<hr/>
	12,658	33,536
	<hr/>	<hr/>

It is to be observed that these proportions do not show exactly the relative amount of emigration from Ireland as compared with England; for a considerable number of the people who proceed from Ireland embark at the great emigrating port of Liverpool. Nor do they afford a very accurate test of the numbers ultimately destined to the British colonies and the United States, for some of the better class of emigrants

* See Mr. Buchanan's statement (No. 2.), dated Emigrant Department, Quebec, 20th January, 1839. Ordered to be printed 19th August, 1839. *Parliamentary Paper* 255.

prefer the route to the former by New York. But the number who arrive at Quebec, and afterwards proceed to the United States, may be fairly supposed to counterbalance those who proceed to the British colonies by New York. The circumstances we have alluded to, therefore, appear to have had a material effect in directing a great portion of the stream of British emigration to the United States during the last few years, and still continue to do so notwithstanding the restriction on emigrants from Europe recently adopted by the authorities of New York, and confirmed by an Act of Congress. This Act authorises the authorities of any town to tax the master of any vessel arriving there from any foreign country from one to ten dollars for every alien passenger. He is required on so arriving to furnish the town authorities with a list of his passengers, specifying their respective ages, occupations and places of birth, within twenty-four hours, under a penalty of 500 dollars. No passenger is allowed to land without permission from the city or township authorities, and the town is required to maintain any person so permitted to land, in case of destitution.

The same system of making free grants of land, which has proved so prejudicial in North America, prevailed throughout the entire of the colonies; and of the quantity so distributed it was almost impossible to obtain any official information. Up to the year 1823 the governor had the power of making grants in New South Wales and Van Diemen's Land to meritorious convicts and free settlers. It appeared from the evidence of Mr. Kelsey of the colonial office, before the select committee on the disposal of colonial lands in 1836*, that the quantity granted by successive governors of New South Wales up to the year 1810 amounted to 177,500 acres—from 1810 to 1822, to 400,000 acres—and from 1822 to 1831 to 3,386,250 acres; the total number of acres granted from the commencement of that colony to the 31st of December 1834 being 4,163,353 acres. Up to 1823, persons emigrating from England to these colonies took out with them letters from the Secretary of State, directing that lands might be granted to them in proportion to their means. The settler usually selected

* Questions 1628, 1644.

such lots as appeared to him most eligible, which, if unappropriated, he obtained on application to the surveyor-general. In 1824 certain regulations were made by the governor for adjusting the quantity of land to be granted to the amount of capital to be employed upon it, in the proportion of 640 acres for each 500*l*. This system led to numerous frauds, and required a great degree of vigilance to enforce it; so that in 1826 it appeared necessary to relieve the governor from this labour; a Land Board was then appointed, consisting of two or three government officers with small salaries of 100*l*. a year each, whose duty consisted in ascertaining the respectability of the settler and the extent of his pecuniary resources—a delicate investigation, which was extremely difficult to perform with accuracy, and which did not prove satisfactory in practice. In Van Diemen's Land the quantity of land granted in like manner amounted in 1833 to 2,136,894 acres, and there now remains little to dispose of in that colony.

It was held by the early, and is maintained by some of the modern political economists, that the first settlers in our colonial possessions were prosperous in the proportion of the extent of unappropriated land, and the facility with which it was obtained;—that man being a gregarious animal, his natural instincts sufficiently disposed him to co-operation and combination of labour, and that he would prefer the social state with all its civilising influences, convenience and safety, to the vagrant liberty of cultivating a portion of the desert, apart from his kind, and where he could only hope to procure a mere subsistence, and supply himself with the common necessities of life:—that necessity would prompt him to those united exertions which were most likely to secure his happiness and improve his species;—and that a state of civil society with all its train of inseparable advantages, would be spontaneously and eagerly sought by the early inhabitants of those new countries. The practice of the Crown until a very recent period accorded with this theory. Moreover, during the early period of colonisation, remote countries were little known, and the extent and qualities of the soil little investigated; so that grants were as a matter of necessity made to individuals or companies without any definite limit or assigned condition. Queen Elizabeth granted to Sir Humphrey

Gilbert the whole eastern coast of North America, not then in possession of any Christian monarch, with plenary powers to settle where and in what manner he pleased, and to make such laws as seemed to him advisable for the government of his proposed settlement. He was never fated however to derive any profit from this extensive acquisition, as he was shortly afterwards drowned at sea. In 1666 the entire of the land in Carolina was granted to eight proprietors, at the head of whom was Lord Clarendon; but in 1742 the Crown re-purchased the rights of this company in that colony for the sum of 17,500*l*. The whole of the land in the province of Massachusetts was in like manner granted to a company by charter, and the same system was adopted in nearly all the New England States. In later times the old system of grants was still continued, but they were more limited in extent, and some condition was generally imposed with a view to provide for "due cultivation." This condition, however, was never clearly defined, and became altogether nugatory. Mr. Wakefield was asked by the select committee of 1836, for inquiring into the mode of disposing of lands in the British colonies,—“If he conceived that any conditions might be annexed to grants of land, which would secure a due cultivation of those grants.” He replied:—

“I cannot imagine any. I have tried to devise some condition that should compel the settler to cultivate his land,—to use his land properly; and I find that all such conditions, however strictly due cultivation might be defined, would be conditions to be performed after the grant had been obtained: that, I think, has always actually been the case. All the conditions hitherto imposed have been conditions to be performed after the grant has been obtained; consequently there was nothing to prevent the settler from obtaining more land than he could use; at worst he could but forfeit the land afterwards, in case he did not fulfil his condition. he therefore took so much as made it absolutely impossible for him to fulfil the condition, whether the condition were the cultivation of a certain part, or the payment of a quit-rent. Not fulfilling the condition, he ought according to law to have forfeited the land; but then all his neighbours were in exactly the same predicament, and the persons who had to administer the law, the governor and the members of council, were in the same predicament, for they all had appropriated lands subject to those conditions; and they conspired to defeat the law wherever there was a law of forfeiture. Mr. Edward Ellice, in his evidence before a Committee of the House of Commons in 1826, upon the civil government of Canada, is asked ‘Whether he is aware that anything was ever done under the Act of Parliament by

which it was determined that lands not cultivated in Canada should be forfeited?' and he said, 'No, I am not aware of a single instance of any forfeiture under that Act, though the Act is imperative.' He was then asked 'Why no such forfeiture had taken place?' and he said that he could account for it, because he knew that it had been the fashion for every councillor, that is, every legislative councillor of the colony, and every chief executive officer of the colony, to receive a grant of from 5000 to 20,000 acres of land, which was more than he could by any possibility cultivate."

The law therefore was defeated by those that ought to have carried it into execution. The mode of disposing of the lands in New Holland possessed neither regularity of plan nor uniformity of operation, and proved not less injurious to the colonists themselves than to the parent country. It gave no practical means to the Crown for enforcing the performance of the conditions under which lands were granted, nor afforded any security to the settler for the permanence of the system under which they were acquired. But in 1831 a new plan was adopted, which is likely to lead to very different results. It is based on the important principle, that the waste land of our colonial possessions is vested in the Crown in trust for the public good, and that the ministers of the government are responsible for its being appropriated in the manner most likely to promote this object. It proposes to counteract the evil of dispersion where population is scanty and land superabundant, and to secure to society the advantages of combined labour, by requiring that all such land shall be disposed of by sale instead of grant.

Mr. Waketield, in his work called "England and America," ably advocated this new principle of colonization. He considered, and we think that experience has proved the truth of his data, that population has a tendency to spread over the surface, in a country where there is a great extent of wild land which yields an abundant subsistence in return for a very trifling amount of labour, and thus the poor emigrant is tempted to become the proprietor of land which he has not the means to cultivate, and the capitalist induced to acquire extensive tracts, which remain a desert from his inability to procure the necessary supply of labour. In order that the labour of the one and the capital of the other may be combined for the advantage of both, it appears essential to preserve a just proportion between land and population. This

he proposed to accomplish by means of selling land at a certain price, which would be sufficient to secure combinable labour, and at the same time not be so great as to prevent a proper expansion in the field of employment for labour, as wealth and population should increase. The price which would secure to society these advantages is that which he considers ought to be fixed for the disposal of lands. In his evidence before the Committee for enquiring into the mode of disposing of lands in the British colonies, to which we have already referred, he describes the means by which he proposes that this fixed price shall be ascertained. He says:—

“ It appears to me that there would be always materials for ascertaining whether the price fixed were too high or too low. If the rates of profits and wages in the colony, and especially wages, were at all injuriously low, if the colony had become at all unattractive by means of a fall of wages, it would have become quite clear that the field of production was too circumscribed, and that the price of land was too high at that rate of increase in the population. If, on the contrary, instead of this pressure of population upon the land, there should occur a difficulty on the part of capitalists in obtaining labourers wherewith to maintain the productive system of cultivation, which I will suppose to be existing in such a colony, then it would be clear that the price was too low, and that some stringent power should be called into action, in order to maintain that productive state of industry which had resulted in the first instance from the imposition of a sufficient price*.”

This plan of selling at one uniform price per acre has been adopted in South Australia, while in New South Wales and Western Australia the plan of sale by auction at an upset minimum price has received the sanction of the government. The proceeds of those sales, after providing for some branches of local expenditure in both cases, constitute an immigration fund to defray the expense of the introduction of labourers from the mother country.

Before we proceed to consider the results which have already attended the adoption of this permanent national scheme of colonization, it may be proper to notice the machinery by which it is proposed to be worked. The commission we have already noticed, at the head of which was the Duke of Richmond, was unpaid, and therefore ill cal-

* Question 757.

culated to discharge the onerous duties it was required to perform. In 1837 Mr. Frederick Elliott, who had acted as secretary to the commission, was appointed agent-general for emigration, to whom was entrusted the management of this important branch of colonial business, subject to the controul of the secretary of state. In order to secure permanence and stability in the arrangements connected with the sale of land, and in consequence of the great increase of emigration during the last few years, it was determined by the government at the commencement of this year, to appoint a colonial Land Board to carry into effect the powers granted by the Crown to the governors of the different colonies for the disposal of waste lands.

This board is composed of the late agent-general, Mr. Elliott, Mr. Torrens, and the honourable Edward E. Villiers, who are to act as colonial land and emigration commissioners, subject to the controul of one of the principal secretaries of state, or the lords of the treasury. By this arrangement the two distinct, and in some cases competing offices of the agent-general for emigration, and the board of South Australian commissioners (to which had been confided by the government the management of the land in that colony) are consolidated. This in itself is a considerable improvement. In Mr. Elliott's case the functions with which he was charged were too extensive to be satisfactorily executed by a single person, and the board was ineffective for the opposite reason of its members being over numerous. In the instructions addressed by Lord John Russell to the general board, its duties are arranged under four heads:—1st, the collection and diffusion of accurate statistical knowledge; 2ndly, the sale in this country of waste lands in the colonies; 3rdly, the application of the proceeds of such sales towards the removal of emigrants; and 4thly, the rendering periodical accounts, both pecuniary and statistical, of the administration of this trust.

To this source therefore the public will hereafter look for authentic information as to the resources of the distant possessions of the Crown, of the real state and prospects of which they have hitherto possessed little knowledge; and it is to be hoped that no statement shall at any time be

circulated under the authority of the board, before it has been scrupulously examined and found to be worthy the public confidence. All the official returns in the colonial office, and the books, maps and charts bearing on the subject have been deposited with the commissioners. It appears by Lord John Russell's letter of instructions, that it is not intended to appropriate the entire of the fund arising from the sale of land to the purposes of emigration. He considers that the appropriation of a part of that fund to the ordinary exigencies of the public service will probably be found inevitable in every colony, unless in cases when the colonies shall provide for such purposes by import duties and other means. The land disposed of by sale will continue to be conveyed to purchasers by the governor of each colony under the public seal. In Malta, Gibraltar, St. Helena, Heligoland, and many of the older British settlements in the West Indies, there no longer remains any vacant or ungranted land. In Jamaica the Crown has divested itself of all controul over the unsettled lands. In Upper Canada and New Brunswick that controul is exercised by certain local authorities. In Nova Scotia and Newfoundland similar regulations are likely to be passed. In Lower Canada this power is exercised by the governor and special council pending the proceedings now in progress for the union of the two provinces. In Trinidad, British Guiana and the Cape of Good Hope, there is a considerable extent of Crown Lands still unappropriated; but in the last-mentioned colony it is for the most part sterile and unfit for settlement. To the ample field of colonization opened in New Holland and New Zealand, the exertions of the commissioners will therefore be chiefly directed.

Prior to 1831 there had been little emigration of the labouring classes to Australia, in consequence of the length of the voyage and the high rates of passage demanded by ship-owners. It was at first proposed to apply the revenue arising from the sale of lands in that country to promote female emigration. The disproportion of the sexes in New South Wales, caused by the greater number of male than female convicts sent from this country, appeared to the government an evil which it was first incumbent on them to correct. Between the years 1825 and 1834 inclusive there had

arrived at New South Wales 28,983 convicts, of whom only 4141 were females, a disproportion which was still further increased by the free emigration. The treasury consented in 1831 to advance 10,000*l.* on the credit of the fund arising by the sale of land at Sydney and Van Diemen's Land, to defray a moiety of the expense of conveying 1200 female emigrants to those colonies. It was soon afterwards considered advisable to defray the entire expense, and an addition was made to the fund for encouraging the emigration of families, by contributing a portion of the cost of passage to each by the way of bounty. The selection of the female emigrants was confided to the London emigrant committee, who continued their exertions in this way from 1831 until the appointment of the agent-general for emigration in 1837.

The number of female emigrants sent out to New South Wales under their direction did not exceed four hundred in the course of the year, and a like number to Van Diemen's Land; and the emigration of labouring families who received a proportion of the expense of their conveyance, in the first instance as a loan and afterwards as a gift, was equally inconsiderable. The manner in which these vessels were sent out, and the emigrants themselves, did not prove satisfactory; and in 1837 it was decided upon, in consequence of representations from these colonies, that single women should be no longer sent out in separate ships; and that the expenditure on emigration should be extended in proportion to the annually increasing revenue arising from the sale of lands. In the despatch of Mr. Elliott to Sir J. Franklin, lieutenant-governor of Van Diemen's Land, dated 3rd January, 1839, that gentleman shows that the failure of the exclusive female emigration scheme was not attributable to any want of exertion on the part of the London Committee, but that it arose from circumstances beyond their controul. He observes,—

" whatever may have been the disappointment felt in regard to that Committee there can be no doubt that it was composed of gentlemen of high character, entertaining the best intentions, and yet that with all their plans they entirely failed to make such selections as would satisfy the expectations held in the colonies. The fact perhaps is that the very circumstance of a young woman's being prepared to quit the country alone, and separated from all her friends, is in itself, though I should be very sorry to say a conclusive objection, yet an occasion of additional difficulty, in

obtaining a perfect assurance of the respectability and correct views of the party."

In 1837 ten ships were despatched by the agent-general to New South Wales, in conformity with the instructions he had so received, containing nearly 3,000 persons. In 1838 twenty-four ships were in like manner despatched, containing 6,463 persons; and in 1839 seventeen ships were sent out containing 4,096 persons. The decrease in the last year's emigration was caused by the accounts which had reached this country from New South Wales, of a continued drought, which had greatly enhanced the price of provisions, and caused a falling off in the sale of lands. A very large voluntary emigration had grown up within the same period. The entire average annual emigration to the whole of the Australian colonies from the various ports of the United Kingdom from 1832 to 1837, inclusive, was 3,444 persons. In 1838 it increased to 14,021 persons, who embarked for the different colonies in the following proportions:—

For Swan River . . .	115
„ South Australia . .	3,143
„ Van Diemen's Land .	571
„ Port Philip	3
„ Sydney	10,189
Total	<u>14,021</u>

In 1839 the number increased to 15,786 persons, notwithstanding the discouraging reports to which we have alluded, in the following proportions:—

Western Australia and Swan River .	268
South Australia	4,856
Van Diemen's Land	328
Port Philip	1,161
Sydney	8,455
To Australian colonies generally . .	718
Total	<u>15,786</u>

By the last census, taken in 1836, the total population of New South Wales amounted to 77,096 persons. It cannot now be less than 100,000, allowing for casualties; the emi-

gration of the three last years having amounted to about one fourth of the entire population. The mode which was at first adopted for selecting emigrants for a free passage was suggested from the colony. It imposed the whole labour upon the surgeon-superintendent to hire and victual a ship for the voyage, obtain the number of families requisite for its complement, and accompany them to the colony. The great increase of emigration required, however, a more extensive machinery. Selecting officers were then appointed in different divisions of the United Kingdom, whose duty it was to enrol candidates for emigration,—and thus to obtain the data upon which the shipping arrangements could be formed prospectively with the least loss, and provide an assortment of the most desirable emigrants. The persons most in request in New South Wales are those who are least encumbered with young children; but the class of persons most desirous to emigrate are persons with large families, who find it difficult to support them at home, and who for their sake are willing to encounter a long sea voyage, the parting with friends and kindred, the numerous ties which bind them to their native country,—in the hope of bettering their condition in a foreign land. Skilled mechanics are not in much requisition; but blacksmiths, carpenters, sawyers and fencers readily find employment. Domestic servants of every description are much sought after, and there is a great competition for shepherds and agricultural labourers. Notwithstanding the large emigration of the last few years the want of labour is stated to be increasing, especially in the country districts, for the persons recently arrived generally prefer to remain at Sydney.

It was stated by some of the witnesses who were examined before the Immigration Committee at Sydney in 1838, that it was found impossible to procure sufficient labour. During harvest hay had been left to rot in the fields from the want of labourers, and many persons had been obliged to sell stock from their inability to procure sufficient hands to keep their establishments going, in the distant agricultural and pastoral districts. It was stated that the colony would require an annual immigration of 10,000 labourers for several years to come, who would find ample employment as farm labourers, shepherds, watchmen, stockmen, domestic servants

and mechanics. Independent of the system adopted by Government several proprietors had supplied themselves with labourers by selecting such persons as they required through their agents here, and having them sent out under what is called the bounty system, which consists in paying to the masters of merchantmen a certain sum per head for the persons they bring out to the colony. The bounty is paid by the Government, but the proprietors are at the expense of locating the people on their estates. This plan is generally preferred by the colonists, and it secures to the emigrant immediate protection and employment on his arrival. With respect to the wages usually paid to shepherds it is stated, that supposing a man and his two sons, not being under 14, to take charge of 1200 sheep, a flock master can afford to give the father 20*l.* per annum wages, with a double ration if his wife be living, and from 12*l.* to 15*l.* to each of the boys, with a full ration. The cost of a single ration averages 12*l.* per annum. A head shepherd having the charge of 4000 sheep, with the proper number of under shepherds, receives from 30*l.* to 100*l.* per annum, with rations. This is a very monotonous and solitary occupation, for which the English shepherds and the Lowland Scotch are found the best adapted from their previous habits, but to which the generality of emigrants have a great distaste.

It was the general opinion of the colonists that unless there was a greatly increased emigration from the United Kingdom, they would be obliged, from the extreme scarcity of labour, to seek a supply in the East Indies, or in whatever part of the world it could be obtained at the least expense. It appeared by the evidence of G. M. Slade, Esq., Commissioner for the Assignment of Convicts, that during the period from the 1st of January, 1837, to the 31st of August, 1838, 5454 convicts had been assigned through his office,—a number, however, quite insufficient to meet the wants of the settlers; and that he had from 10,000 to 12,000 applications with which he was unable to comply. Since that period assignment for mechanical trades and domestic service in Sydney and other towns has ceased, and transportation to New South Wales has been discontinued. He stated that domestic servants of all descriptions were very much wanted, and that the classes of la-

bourers most in request were in the following order:—1. shepherds; 2. ploughmen; 3. general farm-servants; 4. gardeners; and 5. carters or bullock-drivers; and mechanics in the following order:—1. house carpenters; 2. blacksmiths; 3. stone-masons and bricklayers. In the remote settlements the expense of keeping labourers is greatly enhanced by the necessity which exists of conveying the flour required for their support from Sydney, so that men with wives and families are not considered the most eligible class of persons for shepherds. Besides the distant sheep-stations are much scattered, and subject to continual removal from failure of water and grass, consequently the huts reared on them are not in general suitable habitations for a family; who would be, moreover, exposed to the depredations of runaway convicts and the aboriginal natives, during the absence of their natural protectors. For these reasons it has been found that the married state is at present incompatible with the efficient discharge of this duty in remote and isolated situations; but this is not the case with respect to servants in country establishments, such as gardeners, dairy-people, overseers, clerks, store-keepers, grooms and others, whose employments fix them to a homestead, where the services of the women may in various ways be available.

The Immigration Committee, after having made the most extensive enquiry into the wants of the colony with respect to mechanical and agricultural labourers, by the personal examination of witnesses, and by means of a series of questions addressed by the clerk of the council to proprietors of land or stock, and other employers of labour in the different districts in the colony, to which they received written answers, reported—

"That their own private sources of information had sufficed to satisfy them that the demand for labour of various descriptions prevailing in the colony was certainly urgent, and the supply highly insufficient to meet it; and that generally speaking every resident in the colony who had occasion to employ the services of others was exposed to difficulties in conducting his pursuits, of whatever nature they might be, as well as in providing for the service of his domestic establishments. But until their enquiries were directed, in the course of this examination, to an actual investigation of individual wants, and of the losses, inconveniences and disappointments to which entire classes are reduced, through inability to obtain the extent of labour

which their various operations require, Your Committee had not a due or distinct conception of the urgency of the prevailing distress. • • • •

It appears that among the entire number of persons consulted there is not a dissentient voice as to the want of additional labourers in every department; and the imperative necessity of introducing an immediate and copious supply, if we would avert the most serious evils, has been urged most forcibly on the attention of Your Committee*."

Australia nearly equals in dimensions the whole of Europe, and its insular position renders it, throughout its extensive boundary, accessible by sea. Its soil and climate have not hitherto proved favourable to agricultural pursuits. There are, doubtless, few estates which do not contain portions of rich brush and alluvial land adapted to the growth of corn; but the variability of the climate, and consequent uncertainty of crops—the absence of roads—the want of markets—and the easy terms on which extensive tracts of pasture can be rented, have restricted tillage operations within a narrow compass, and directed capital and labour principally to grazing, which affords a certain and immediate return. It was not likely, under these circumstances, that anything beyond the pastoral capabilities of the soil should have been attended to at first; and it appears, considering the vast extent of the country, that the field of labour yet entered upon has been too limited to afford any certain data for enabling us to judge as to its future productions, or to the extent of the traffic which its vicinity to India and China may hereafter create.

A very considerable trade in wool, the staple commodity of New South Wales, already exists; an article especially valuable in England, being the raw material of one of our most important manufactures, and well adapted to bear the expense of a long voyage, in consequence of its value being considerable as compared with its bulk. It is supposed that this colony will at some future period supply the mother country with cotton, silk, dye-stuffs, wine, olive oil, tobacco, sugar and other products of a tropical climate, while it will require our manufactures for centuries to come.

In a minute of Sir George Gipps, the Governor of New South Wales, to the Legislative Council, explanatory of the

* Parliamentary Papers on Emigration, ordered to be printed 19th of August, 1839, No. 255.

several heads of expenditure, and of ways and means, as estimated for the year 1839, and dated Sydney the 7th of August, 1838, he calls the attention of the Council to the general state of the finances of the colony, in consequence of the deficiency in the revenue to meet the expenses of the year, and to the principle on which he thought a separation should be made between the charges on the ordinary revenue and those which fall properly on the land-fund. The expense of gaols and police establishments was made a colonial charge in 1835, and the Home Government directed that any deficiency in the ordinary revenue of the colony to meet this charge should be defrayed out of the land-fund. These instructions were conveyed to the Governor by a Treasury letter, dated 23d of September, 1834, in which it was stated that in order to enable the colony to take upon itself the maintenance of the police and gaols, "the Lords of the Treasury "were prepared to acquiesce in the local treasury's continuing in the receipt of any surplus of the land-revenues beyond the sums appropriated to the assistance of emigrants, "and of the other casual revenues of the Crown*." By subsequent directions, though the expenditure on immigration was made the first charge on the land-revenue, the unexpended balance at the end of each year was ordered to be transferred to the ordinary revenue of the colony. Sir George Gipps says, on this subject,—

"Hitherto no very nice distinction has been made between the land-fund and the general revenue of the colony, the money in the public chest being amply sufficient for all the purposes of government; but now that such heavy and increasing demands are made upon our funds, and that our expenditure, instead of being within our income, is beginning vastly to exceed it, the establishment of some general principle of distinction seems to be called for. The charges which may properly be said to belong to the territorial revenue are the following:—1. All charges of collection and management; 2. Expenses incurred on account of the aborigines, the first possessors of the soil, from which the wealth of the colony is derived; 3. The expenses of immigration. If the whole expense which has been incurred under these three heads since 1831 were to be deducted from the total amount of land revenue received since the commencement of the system then introduced, of selling land instead of granting it gratuitously, the balance would be the sum that might now be fairly claimed as applicable to the expenses of immigration."

* Parliamentary Paper on Emigration, 15th August, 1839, No. 536.

The Immigration Committee, to which we have before alluded, obtained from the Audit Office at Sydney, and annexed to their report an account drawn up upon the principle so suggested, which is signed by the Auditor of Accounts at Sydney.

By this statement it appears that the revenue arising from Crown lands, from the 1st of January, 1831, to the 31st of December, 1837, inclusive, amounted to 439,652*l.* 4*s.* 4½*d.* Of this amount the sum of 409,577*l.* 16*s.* 9*d.* arose from the sale of land and town allotments, and the remainder from rents, quit rents, depasturing licenses, &c. The number of acres so disposed of are not given in the statement, but an approximation to it, sufficiently accurate for our purpose, may be found by comparing it with the statement of the annual abstracts of sales annexed to the report of the committee. These were,

	Acres.		£	s.	d.
In 1832,	20,860	amounting to	6,513	11	6
„ 1833,	29,001	„	14,133	16	4
„ 1834,	91,399	„	36,814	2	1
„ 1835,	271,495	„	87,097	9	2
„ 1836,	374,174	„	116,740	0	0
„ 1837,	207,405	„	60,451	0	0
	160,016	„	45,187	0	0
			<hr/>		
	1,154,350		£366,936	19	1

The amount arising from the sale of land and town allotments, as specified in the general statement, exceeds the amount in the annual returns, by 42,640*l.* 17*s.* 8*d.* Assuming the former to be correct, and that the surplus arose from the sale of additional land, not included, for some reason that does not appear, in the annual returns, and disposed of at similar prices, the quantity of land represented by that sum would be about 140,000 acres, which added to the number of acres already given in the returns would make a gross total of 1,294,800 acres, sold within the period to which the statement refers. Of the 409,577*l.* 16*s.* 9*d.* thus arising from the sale of land, the sum which has been expended on immigration, including the expenses of quarantine on emigrant ships, only amounts to 91,167*l.* 13*s.* 2*d.* being considerably less than one-fourth of the entire amount. We find that the

surveyor-general's department has cost, during that period, 92,195*l.* 7*s.* 10*d.*, a sum greater than the entire amount expended on immigration; and adding to it the cost of expeditions for exploring the interior, the expenses of commissioners of disputed titles, commissioners of Crown lands, and commissions on the sale of land, which may be properly included in the expenses of survey, it amounts to 103,306*l.* 15*s.* 7½*d.*, or above one-fourth of the entire receipts arising from sales!! The quantity of land sold, as we have already shown, cannot much exceed 1,300,000 acres. It does not appear whether or not the survey is in advance of the sales, but from the complaints of the colonists of the want of activity in that department, we are inclined to believe that this is not the case. Mr. Kite, of Bathurst, in his reply to the circular letter of the Immigration Committee, observes—

"My opinion is that almost any plan that should promote an extensive scale of immigration would be desirable, but I am at the same time of opinion that the necessity for the proposed measure (raising a loan) may be in a great degree obviated if earlier attention were paid to the measuring off land when applied for to be put up. The very great delay which has, I may say, always existed in this respect had operated greatly against the sale of land. Many individuals, myself amongst the number, have applied to have land put up to sale, have become wearied at the delay that has taken place in measuring the same, and rather than have our money lie by us idle and unproductive, have devoted it to other speculations; and the land applied for, when at last put up by auction, is frequently unsold."

The expenses of survey specified in the general statement purport to be the cost of surveying the land sold from the 1st of January 1831 to the 31st of December 1837, upon the revenue arising from which these expenses are charged. Taking the amount of these expenses as given in the statement, and assuming the land sold within that period to be 1,300,000 acres, according to the above calculation, the survey would have cost 1*s.* 7*d.* and a fraction, per acre. Mr. Stevenson stated, in his evidence before the Select Committee on the disposal of colonial lands in 1836, that the expenses of surveying 140,000,000 of acres in the United States amounted to no more than 2,164,000 dollars.* It would appear therefore, that as the government have sanctioned in New South Wales the system

* Question 120.

of sales adopted in the United States, they might with great advantage carry the similitude further, and follow the example of that country in its mode of executing the public surveys. Able engineers are there willing to undertake this service at less than the maximum price established by law, which, as we before mentioned, is *three dollars a mile* for an actual survey in the upland and prairie countries, and four dollars in the southern parts, where lakes, swamps and canebrakes are more numerous.

The other expenses charged upon the revenue arising from lands in the general statement to which we have referred, are the sums of 9,266*l.* 3*s.* 4½*d.* expended on account of the aborigines, and 5,570*l.* expended in the outfit and passage money of ministers of religion and schoolmasters, leaving a balance applicable to immigration, on the 1st of January, 1838 (assuming that the expenses under the specified heads only should be charged thereon), of 230,341*l.* 12*s.* 2½*d.* But this balance, as well as any portion of the fund arising from the sales of land in 1838 and 1839, not expended on immigration in those years, has been applied to defray the charges which have been transferred from the military chest to the colony since 1835. It appears, moreover, by a despatch from Sir George Gipps to Lord Glenelg, dated Government House, Sydney, 27th of February, 1839, that "there will in all probability be no funds out of which the expenses of government emigration can be defrayed after the year 1839*." We think the persons who purchased lands under the regulations of Lord Goderich, promulgated in 1831, have reason to complain of a breach of the condition therein contained,—that the entire proceeds of such sales should be applied to the introduction of useful labour into the colony. It has been contended that the original intention of Lord Ripon, expressed in Lord Howick's letter to the Secretary of the Treasury of the 16th of February, 1831, extended only to the proceeds of the sales of wild lands, or those lands which it had theretofore been the custom to grant gratuitously, leaving the revenue derived from quit rents, leases, depasturing licenses and the

* See papers relating to Emigration, ordered to be printed 10th March, 1840, No. 113, p. 26.

sale of improved lands to other purposes; and Sir George Gipps considers that the cost of collection and management, and the other charges enumerated by him, which we have before stated, should be deducted from the fund arising from the sale of Crown lands, before it became applicable to the purposes of emigration. But whether the proceeds of the wild land alone, after deducting these or any other charges, shall be so applied, it is at least reasonable that all doubt and ambiguity shall be removed with respect to a principle which so materially affects the value of land. That there have been sufficient grounds for the complaints so generally made on this subject, will appear evident by comparing the official documents we have already quoted with the following passage in a despatch addressed by Lord Glenelg to Sir Richard Bourke on the 23rd of March, 1837, on the subject of immigration into New South Wales :—

"I have to request that in furtherance of the proposal contained in the enclosed letter (from James Stephen, Esq. to the Secretary of the Treasury, 9th of January, 1837) you will at the commencement of each financial year transmit to the Secretary of State a statement of the balance (if any) of the fund applicable to emigration remaining unexpended at the close of the preceding year, together with an estimate of the probable amount of the funds to be derived from the sale of Crown lands within the colony, and applicable to the service during the ensuing year. You will consider yourself at liberty to appropriate one-third of this sum to the payment of bounties on emigrants introduced by private settlers, on the terms of your government notice of the 28th of October, 1835, and the remaining two thirds will be expended under the direction of the chief agent for emigration in this country*."

It might be reasonably expected from this document that it was not the intention of government that the balance remaining at the close of each year, after defraying the expenses of immigration, should be transferred to the ordinary revenue of the colony; but that, on the contrary, it should be added to the land revenue of the succeeding year, and applied only to the purposes of immigration. In Lord John Russell's letter of instructions addressed to the land and emigration commissioners to which we have already referred, he says, in reference to this important question :

* Parliamentary Paper, No. 112, Session 1837, p. 130.

"Without digressing into a discussion which would be misplaced here, it is sufficient for my present purpose to say, that the funds raised by the sale of lands in the colonies will be applicable to the conveyance of emigrants thither, so far, but only so far as that use of the fund may be compatible with a due regard for the pressing and necessary demands of the local governments, for which no other resource can be found*."

As considerable doubts are entertained in New South Wales as to the adequacy of the land-fund, even if entirely appropriated to that object, to supply the quantity of labour required in the colony, it has been proposed to raise a loan for that purpose, secured upon the unsold Crown lands, or, if they be considered insufficient, upon the general revenues of the colony. A letter, signed by 181 colonists, was addressed to the Committee of the Legislative Council in September, 1838, in which they stated it to be their opinion that this was the only effectual means of obtaining a supply of labouring population commensurate with their wants. They at the same time deemed it essential to the success of the proposed scheme, that the funds to be raised should be exclusively appropriated to the purposes of immigration, and that the whole proceeds of the sales of waste lands in the colony should be applied to the redemption of the debt. It may be well questioned from past experience, whether if this fund were so disposable, it would be necessary to recur to a loan for the purpose of carrying on emigration on an adequate scale. But however this may be, it is certain that without labour land is of little marketable value; and it is due to the great number of respectable persons who have been induced to purchase land in New South Wales, upon the faith of the fund arising therefrom being applied to the purposes of emigration, to take the most prompt and effectual means of removing a cause of complaint which is calculated materially to impede, if not altogether to suspend the prosperity of the colony.

The Act for erecting South Australia into a British Province guaranteed that a constitution should be conceded to the colonists when their numbers should amount to 50,000, but settled a form of government for its intermediate existence, which was nothing less than a pure despotism. Under its provisions a Governor and Council were nominated by the

* Parliamentary Paper, Session 1840, No. 35, p. 4.

Crown, to whom were confided the power of levying taxes and of exercising all the legislative and executive functions of government; while the disposal of the public lands, and the management of the fund arising therefrom, together with the application of the loans to be raised under the Act for defraying the colonial expenditure, were vested in a Board of Commissioners. The evils that might naturally be expected to result from such a system soon developed themselves. The two bodies, each independent of the other, to whom were confided powers so extensive and undefined, did not work harmoniously together. The site of the new capital became, at the very outset, a subject of fierce contention. The Commissioners had entrusted the responsible duty of its selection to the surveyor-general; but the new governor had scarcely landed when he objected to the situation fixed upon, and a public meeting was convened to decide whether it should not be changed. The colonists were thereupon divided into rival parties, by whom this question was agitated for a considerable period with great and increasing violence. The governor was opposed by the resident commissioner, and by the majority of the colonists and of the Council. But he maintained that by the provisions of the Act, he possessed the power of suspending the officers of the government,—a power which might be used to give him complete supremacy in the colony! Here a new cause of collision arose. The majority of the Council maintained that as under the Act the principal government officers were appointed by the King *in Council*, the governor who represented the Crown only had no power of either appointment or suspension. The principal law officers of the colony held opposite opinions on this point. The chief justice supported the governor, and the advocate-general the council. Thus the city of Adelaide, like that of Rome, had its foundations laid in strife, which from the heat that existed on both sides might have terminated in a catastrophe that would have made the resemblance more striking, but for an expedient devised and carried into effect by the authorities at home. The commissioner recommended to the colonial secretary a governor in whom was united, on his approval by the government, the functions of that office with those of resident commissioner; and in order to prevent any

future collision between him and the officers of the government, it was provided, by the amended South Australian Act of 1 and 2 Victoria, that the latter might be appointed by the simple prerogative of the Crown under the sign manual. The governor now exercises undivided authority over every department of the administration, subject only to the controul of the Crown, and in his capacity of resident commissioner, disposes of public land and regulates the finances, under the direction of the colonization commission. It may well be questioned, whether in trying to avoid the consequences which arose from the divided authority created under the Australian Act, an error has not been committed in the opposite direction, by entrusting such extensive powers to one officer, totally irresponsible to the colonists, and where a question between them, involving perhaps the dearest interests of the community, can only be decided by an appeal to authorities at the distance of half the globe. We feel assured that nothing can tend more to the prosperity of the colony than the steady acquisition of a representative government, and we trust the probationary period fixed by the Act will be materially shortened. If self-government be properly granted to 50,000 persons (the golden number held to be worthy under the provisions of the Act of enjoying the blessing of constitutional liberty), we cannot discover by what process of reasoning it can fairly be denied to 40,000, or even a lesser number of thousands of colonists. Such a form of government is especially desirable in a distant and self-supporting colony, as best calculated to promote the general happiness and true interests of the settlers, and it would greatly tend to the increase of emigration, upon which the prosperity of the community so essentially depends. Its *utility* is therefore, we think, apparent; and we are not aware of any public mischief or private injury that could arise from its adoption—

"Atque ipsa utilitas justı prope mater et æqui."

In the third report of the Colonization Commissioners of South Australia, addressed to the then colonial secretary, the expediency of giving municipal corporations to the towns of South Australia is urged on his consideration. While we cordially assent to the great local advantages that would

arise from their introduction, if the colony possessed a constitution, we cannot conceive how they could co-exist with central authorities irresponsible to the people. Local without general self-government would be as incongruous and impracticable as the late system which has been so generally and justly condemned. The following observations intended by the Australian Commissioners to recommend the one, supply a powerful argument in favour of a measure which would unite the advantages of both.

"The existence of municipal institutions possessing the power of local taxation for local purposes, appears to be necessary in order to give effect to the self-supporting principle upon which the colony has been established. When the funds for founding a new colony, and for supporting it during the infancy of its progress, are advanced by the parent country, the government may apply these funds to needful works of local improvement in one district without injury to others. But the case is widely different in a colony which receives no aid from the parent country, and in which the whole of the sums expended in its first formation must be charged upon its future resources. * * * The execution of local improvements by local authorities with their own local funds (a course of proceeding which experience has proved to be expedient and economical even in this country) appears to be peculiarly required in a remote and self-supporting colony*."

The progress of emigration from Great Britain and Ireland to South Australia has been increasing every year since its establishment.

In the year 1836 the emigrants amounted to	941 persons
" 1837	1,227 "
" 1838	3,154 "
" 1839	4,856 "
Total . . .	<u>10,178</u>

Besides these forty-six vessels with passengers from the neighbouring colonies, had arrived at Adelaide between February, 1837 and September, 1838. Supposing the emigration from the adjoining colonies to have since continued in an equal proportion, the population of the province, exclusive of the natives, cannot now amount to less than from 12,000 to 13,000 persons. The sales of land amounted in 1837 to 3,300 acres, and in 1838, according to the calculation of the Commissioners, as stated in their report for that year, to 52,980 acres,

* Page 18.

making in these two years a total of 56,280 acres. During last year we believe that a quantity of land has been sold equal to that of the two former years, but the accounts are not yet before the public. These sales have been made to a uniform price of 20s. per acre. They afford a satisfactory assurance of the great advances made by the colony in so short a period, notwithstanding the sources of contention to which we have alluded, and the delay so universally complained of in the progress of the surveys. The causes of that delay are fully explained in the third report; but the new arrangements, which have been since made were expected to remedy the existing inconveniences, and to keep the surveys thereafter in advance of the sales.

By the statement of financial receipts and payments annexed to the report, it appears that the total receipts arising from sales of land to the 31st of December, 1838 (including a balance of 4,540*l.* 9*s.* 8*d.* in the hands of the treasurer, on the 22nd of December, 1837), amounted to 58,722*l.* 15*s.* 10*d.* The payments were:—

	£.	s.	d.
On account of Emigration and Expenses - - - -	27,849	13	8
" Provisions sent to colony and bills drawn			
on commissioners, &c. - - - -	1,559	3	0
" Transferred to revenue fund - - - -	10,677	3	4
" Cash on hand - - - - -	18,636	15	10
Total - - -	£58,722	15	10

By the Amended Act, a power was given to the Commissioners to borrow from either of the emigration or revenue funds which might be in a condition to assist the other; under this provision the above sum of 10,677*l.* 3*s.* 4*d.* has been transferred from the former to the latter. This is a departure from what Colonel Torrens termed in his evidence before the Committee of 1836—

"The main and cardinal principle of the South Australian Act, that the whole sum obtained by the sale of land shall be applied without deduction to taking out selected emigrants in an equal proportion of the sexes, and between the ages of fifteen and thirty*."

The sum so taken, however, is in the nature of a loan, which is to be replaced to the account of the emigration fund, so

* Question 1075.

soon as the ordinary revenue of the colony shall be sufficiently in advance of the expenditure to meet it. The payments on the account of the revenue-fund for the home and colonial service during the year amount to 38,514*l.* 6*s.* 5*d.* The receipts consist of instalments amounting to 20,500*l.*, paid upon the loan (41,000*l.*) contracted for in April, 1837, the sum borrowed from the emigration-fund above mentioned, and other sums on account of interest, payments made by settlers for their passage to the colony, and the sale of stores, amounting together to 33,735*l.* 10*s.* 3*d.* The accounts which had reached this country of the superior fertility of the district of South Australia, lying between the Murray, Lake Alexandrina and Gulf St. Vincent have been confirmed by later authorities, and it was expected that the sales of land would continue to increase. In the beginning of the present year the commission of the South Australian Commissioners was revoked, and the members of the New Colonial Land Board were appointed also Colonization Commissioners for South Australia.

New Zealand consists of a group of islands in the South Pacific Ocean, the principal of which are the Northern and Southern. They lie between the 34th and 48th degrees of south latitude, and are from 800 to 900 miles in length,—the Northern Island having a medium breadth of about 60 miles, and the Southern of about 180 miles. The climate is remarkably mild and equable, the thermometer ranging between 64° and 74°. The country is free from venomous reptiles and wild animals, its scenery is of great beauty, and its soil of a rich loamy description. A chain of mountains, described as being little inferior in elevation to the Andes, the tops of which are perpetually covered with snow, extend along the greatest part of the two large islands. They are amply supplied with water, being intersected in all directions with streams and rivers, and indented with numerous safe and convenient harbours. Coal and iron are supposed to exist in great abundance. The principal native productions, besides extensive ranges of pasture, consist of timber and flax. The timber is principally of the pine species, and spars of the most valuable description, with other timber used for the purposes of ship-building, are abundant. This is commonly purchased in considerable

quantities for the British navy, and finds a ready market in South America, Brazil, British India, and at the different ports of New Holland. The flax is of a peculiar description, called the *Phormium tenax*; it is of great strength and fineness, and grows wild in immense quantities. The only preparation it requires is stripping the outside coat from the long fibres which run down to the stock parallel to each other, an operation which the natives dexterously perform with a shell. It is at present much used for the manufacture of whale lines, a species of rope required to be of the most superior description, as property to a large amount frequently depends upon its strength and durability. For this purpose it is preferred in the whale fishery to Russian hemp; it sells at a higher price than the latter, being of a longer and lighter description, and consequently more productive. Almost all the grain, fruits, grasses and other vegetable productions of England have been cultivated in New Zealand with the greatest success, and the country has proved very congenial to the different European animals which have been hitherto imported. The rivers supply excellent fish, and there are wild ducks, wood pigeons and other birds in great abundance. Independent of these great advantages of soil and climate, its position in the midst of the Southern-Sea fisheries, and its proximity to New South Wales, which is likely to require for some years to come the agricultural productions that New Zealand is peculiarly adapted to supply, would render it a very desirable addition to the British settlements in that part of the world. The northern aborigines are a remarkably fine and intelligent race of people. They are tall, erect, of a light-yellow copper colour, and susceptible of high intellectual attainments. They build fine canoes and make excellent seamen, possess great natural shrewdness, and can reason with as much good sense respecting their own interests as persons in civilized life. They generally occupy themselves in fishing and shooting; as nature produces in abundance the fern root, on which they are content to live in common with their hogs, they are not free from the indolence and sloth which usually characterize savage life; but when they are roused by the excitement of war, they exhibit a great degree of vivacity and energy. The inhabitants of the Southern Island are an inferior race, of

shorter stature, and nearly black. The population of the two islands is very small, when compared with the extent of territory, not exceeding 200,000*; and is gradually decreasing, in consequence of their exterminating wars and native superstitions, which require them to devour their enemies slain in battle. It is to be hoped that when the Queen shall have re-acquired her sovereign rights over these fine islands, that this diabolical practice, and the wars in which it originates, and which are of an equally savage description, will be terminated together.

There is no doubt that the sovereignty of England did exist in New Zealand, to as great an extent as in New South Wales or any other of our foreign dependencies, where this right has been assumed by first discoverers and afterwards maintained by the Crown. In 1769 Captain Cook, acting under a commission from the Crown of England, took formal possession of these islands in the name of King George the Third. In 1787 a royal commission was granted to Captain Philip, appointing him "Captain-General and Governor-in-Chief in and over the territory of New South Wales and its dependencies." This territory was described in the commission as extending "from Cape York, latitude $11^{\circ} 37'$ south, to the South Cape, latitude $43^{\circ} 30'$ south; and inland to the westward as far as 135° east longitude, comprehending all the islands adjacent in the Pacific Ocean within the latitudes of the above named capes"†. As New Zealand extends from the 34th to the 48th degree of south latitude, the greatest part of it, including the Northern Island, to which the attention of emigrants is chiefly directed, was doubtless comprehended within this commission. This fact was moreover recorded by the Governor of New South Wales himself, for on the 9th of November, 1814, he declared by public proclamation New Zealand to be a dependency of his government, and appointed justices of the peace to act there. At that period the Earl of Liverpool was at the head of the Government, and Earl Bathurst, (father of the present earl), was colonial secretary; and yet three years afterwards, during the same administration, and when the noble Earl was

* Evidence before Select Committee on the State of New Zealand, 1838. *Parliamentary Paper* 680, p. 180.

† Papers presented to the House of Commons relative to New Zealand, 1840.

still at the head of the colonial department, an Act was passed in the Imperial Parliament*, intituled "An Act for the more effectual punishment of murders and manslaughter committed in places not within His Majesty's jurisdiction;" in which it was declared—that "whereas grievous murders and manslaughter have been committed at the bay of Honduras in South America, &c., and the like offences have also been committed in the South Pacific Ocean, as well on the high seas as on land, in the Islands of New Zealand and Otaheite, and in other islands, countries and places not within His Majesty's dominions," &c. This Act did not attract any observation in either House of Parliament, and was passed, *sub silentio*, although the declaration it contained in respect of New Zealand was directly at variance with the original commission granted to Captain Philip, and the proclamation of the governor of New South Wales in 1814, sanctioned if not directed by the Government at home.

In 1823 an Act in like manner passed by the Imperial Parliament for the better administration of justice in New South Wales and Van Diemen's Land, extended the jurisdiction of the supreme courts in these places over offences "committed or that shall be committed in the Islands of New Zealand, Otaheite, or any other island, country, or place situate in the Indian or Pacific Ocean and not subject to His Majesty;" an enactment which is repeated by 9 Geo. IV. c. 83. s. 4. In 1832 Lord Ripon despatched Mr. Busby to New Zealand as British resident, with a view of superintending British interests, and at the same time of protecting the natives against the various outrages committed upon them by British subjects; and in a letter to the chiefs explanatory of the nature of his commission, the King addressed them as an independent people. But this was not all, for in 1835 there was a solemn declaration signed by the chiefs of the northern parts of New Zealand assembled at Waitanga, in the Bay of Islands, of the independence of their country, and of their having united their tribes into one state under the designation of the United Tribes of New Zealand, which was formally recognised by the British Government in a despatch from

* 57 Geo. III. c. 53.

Lord Glenelg to Major General Sir Richard Bourke, dated Downing-street, 25th of May, 1836. An union of the tribes into one state was, however, scarcely to be hoped for. There never has been any form of government or any superior authority recognised amongst them. Each chief is absolute in his own tribe, and feels himself bound to protect every member of it from injury. When a criminal is required to be given up to justice, there is always a grievance to be brought forward in his defence; and the tribe which refuses to surrender him is thereupon declared to be participators in his guilt. Every individual aggression thus becomes an incentive to war, and the atrocities perpetrated during its continuance are constantly extending its sphere and involving new parties in the contest. A people amongst whom such habits have become inveterate, and who cherish old animosities from generation to generation, are not likely to agree with respect to any code of laws which would require maturity of judgment to frame, and a delegated authority to execute,—until time shall have effected a total change in their character and customs.

Blackstone says, that “plantations or colonies in distant countries are either such where the lands are claimed by the right of occupancy only; by finding them desert and uncultivated, and peopling them from the mother-country; or where, when already cultivated, they have been either gained by conquest or ceded to us by treaties. And both these rights are founded upon the law of nature, or at least upon that of nations*.” In another part of his great work he somewhat qualifies this opinion. In reference to the right of migration or sending colonies to find out new habitations when the mother-country was overcharged with inhabitants, practised as well by the Phœnicians and Greeks as the Germans, Scythians and other northern people, he observes: “So long as this was confined to the stocking and cultivation of desert uninhabited countries, it kept strictly within the law of nature. But how far the seizing on countries already peopled, and driving out or massacring the innocent and defenceless natives merely because they differed from their

* Blackstone's Commentaries, vol. i. p. 106.

“invaders in language, in religion, in customs, in government, or in colour; how far such a conduct was consonant to nature, to reason, or to christianity, deserved well to be considered by those, who have rendered their names immortal by thus civilizing mankind*”.

It is of great importance that the right of migration should be referred to true principles, which as such must be consonant to reason and humanity; and as few countries have been selected for the purpose of colonization, in modern times, which were not found to contain a native population, it is impossible to justify any scheme of settlement in them which did not include a provision for the protection of the aborigines. The course pursued by the early colonists cannot be regarded without the deepest dissatisfaction and regret by serious and thinking men. The extensive and civilized nations of Europe, who carried their arms and arts into the wilderness, have exhibited indeed to the feeble savage the power of the one; but have done little to impress him with the honesty of the other. If the new territory were acquired by force, it was sufficiently clear that justice was not likely to be a part of that boasted civilization which the victor promised to bestow in return for its acquisition; and if ceded by treaty, the native tribes soon discovered, that the guarantee for the quiet enjoyment of their more distant lands and dwellings, by which it was usually accompanied, formed but a feeble barrier against the desire of the new settlers for a more extended dominion. A scheme of colonization—especially in reference to a country possessed by a race of men who understand the rights of property, and are physically and intellectually superior to the native population of any part of our adjoining colonies, was naturally regarded with distrust by the Government,—and which the fate of the aborigines of New South Wales and Van Diemen's Land did not tend to remove. But while the natives were depopulating their beautiful country by their intestine wars, the Bay of Islands became the constant resort of runaway convicts from New South Wales of the most abandoned description, who, in conjunction with men of desperate character left in the Islands by whale-ships and other

* *Idem*, vol. ii. p. 7.

vessels, were in the habit of committing the most grievous outrages upon the natives and British settlers. It therefore became the duty of the Home Government to interpose for the protection of both, and to alter the course they had adopted from motives of humanity and justice. Several plans were suggested by which this object might be attained, without involving any breach of faith with the natives. Amongst others, it was proposed that commercial establishments should be introduced, upon a principle resembling that of the early trading companies who resorted to India and other foreign settlements, and who within certain limits were placed under the protection and controul of their own laws. Another was, that Great Britain should administer the affairs of New Zealand in trust for the inhabitants, as practised in some of our Indian possessions, and sanctioned by the treaty of Paris in the instance of Great Britain and the Ionian Islands. Instead of adopting either of these, however, the Government sent out Captain Hobson of the Royal Navy in September last year, and gave him full powers to treat with the aborigines of New Zealand, for the recognition of Her Majesty's sovereign authority over the whole or any part of those islands which they may be willing to place under the dominion of Her Majesty. In case of this treaty being carried into effect, it is intended that no title to land which has been or may be acquired in that country will be held valid which is not derived from or confirmed by a grant of the Crown. A legislative commission will be appointed to investigate the quantity of land held in New Zealand under grants from the natives. The committee will report to the Governor of New South Wales, and he will decide how far such grants are entitled to be confirmed. A portion of the lands will be retained for the aborigines, and the remainder sold; the revenue arising from which, subject to any deductions required to meet the expenses of the local government, will be applicable to the cost of removing emigrants from this kingdom to the new colony; and all laws required for its government will be enacted by the Governor and Council of New South Wales, of which it will become a dependency. These proceedings open a wide field of discussion, upon which our limits will not now permit us to enter, but to which we shall probably return.

We had also intended to notice the regulations recently made for the introduction of emigrants into Western Australia on payment of a bounty, but we have already exhausted our space. We believe that great advantages will be derived from the consolidation of the establishments hitherto existing for the promotion of emigration, because this will tend to secure a concentrated instead of a divided responsibility, and an impartial and disinterested source from which authentic information may be obtained on a subject of such extensive public interest, and respecting which so many exaggerated and conflicting accounts have been circulated. We trust that under the superintendence of the Board, abuses will be remedied, judicious regulations enforced, accurate knowledge with respect to the real state and prosperity of the colonies diffused, all just causes of complaint removed, good local government extended, and every means adopted likely to secure the welfare and happiness of the settlers in our distant colonies, and promote the true interests of the Empire. The duties of the new Commissioners are most extensive in their scope, and serious in their character. It will be incumbent on them to put an end to jobbing and malversation,—to secure the settler against the capricious exercise of arbitrary power, and any infringement of the conditions upon the faith of which he may have embarked his capital in the new field of enterprise; to reduce to fixed and well defined rules, and give a character of permanency to a system which promises to render emigration one of the most important of the national resources, by opening new channels of employment to the people, and new sources of revenue to the state; and to add another branch of knowledge to the sum of useful information now spreading so rapidly amongst the community, by means of which vast portions of the wilderness may be brought within the pale of civilization, and made the seat of an industrious and thriving population.

ARTICLE VI.

De la Démocratie en Amérique, Tomes III. et IV. Par ALEXIS DE TOCQUEVILLE, Membre de l'Institut. Gosselin: Paris, 1840.

Democracy in America, Vols. III. and IV. Translated by HENRY REEVE, Esq. Saunders and Otley: London, 1840.

IN the introduction to the first volumes of this work, which have now been five years before the world, M. de Tocqueville stated that it was his intention "to depict, in a second part, the influence which the equality of conditions and the rule of democracy exercise on the civil society, the habits, the ideas and the manners of the Americans." The accomplishment of this design, and the conclusion of the book, are contained in the volumes which we now bring before the notice of our readers.

The difficulties which are known to attend all continuations of literary productions increase in proportion to the success which the former parts of such works have obtained in the world. In the present case these difficulties were unquestionably very great: M. de Tocqueville's previous volumes have conferred upon him the highest rank as a political writer; his practical observations have been tested by the most competent judges, namely, the Americans and the English; and his speculative inquiries have been applauded and cited by the first statesmen of the age, whilst they have taken their place amongst the most valuable results of modern political science. The time which has been devoted to the preparation of the concluding portion of his work is sufficiently protracted to have taken off the freshness of impressions upon a less acute and reflecting mind; whilst the rapid course of events in democratic communities, especially on the other side the Atlantic, might have weakened or belied premises less secure or inferences less sound. Nevertheless these difficulties, in addition to all those which are inherent in the subject itself, have been surmounted; and

the present volumes are in all respects worthy, not only to sustain the reputation of their author, but to complete the most arduous part of his undertaking.

This book, as some of our readers may remember, was not written for the purpose of describing the peculiarities of the American people, or even of analyzing their social and political institutions. Still less was it the author's intention to compose a panegyric on those institutions, or upon the great social revolution to democracy which M. de Tocqueville assumes to be a general, incontrovertible, providential fact. His object was to seek in America the image and exposition of democracy itself,—to trace its influence, not on a particular people, but on mankind,—and to prepare the human mind by a dispassionate survey of the truth, for that condition which the future holds, as he thinks, in store for all civilized communities. The first volume, containing a strict analysis of American political institutions, is in fact only the groundwork of the more abstruse and philosophical structure of the work. The conclusions which the writer arrived at in the second volume were, for the most part, derived from these American premises, or directed to explain the causes of the present and future prosperity and peace of the United States. The full accomplishment of the plan, and the final application of all that precedes to the widest social questions which are agitated in the world, will be found in the part now before us.

Its execution is characterized by the same remarkable absence of party-spirit and the same consistency as the former volumes display, with still greater precision of thought and concentration of style. These indeed are the characteristics of those minds—unhappily so rare in our days—which deal with fixed principles instead of fleeting incidents, which disdain to court applause by anything that approaches to declamation, and which solidify the turbid waters of controversy into the clear and exact crystals of truth. In this work, the only tendency which we can discern to the one side or to the other of the great question at issue, is to be inferred, rather than detected, from the close method, the polished diction and the laborious perseverance, which are the highest merits of literature in those aristocratic ages, in which a few

of the wisest men have thought and taught, not for themselves, but for all time. It treats of democracy with all the calmness, the dignity and the elegance of which aristocratic writers can boast. Such qualities indeed are not less strange to writers than to readers in democratic ages; and it may require the influence of a high reputation, and the interest of a subject which no man can affect to treat as foreign to his own concerns, to draw the mass of the reading public to receive this performance as it deserves; for it unquestionably demands a much larger share of active thought than men are wont to bestow upon the ordinary productions of modern literature. These difficulties are rather increased than diminished as the work proceeds: in the former part the reader was encouraged by the direct interest which we feel in the history, institutions and probable destiny of a people deriving from ourselves their origin, and in part their laws; in the volumes now before us the subject is handled more abstrusely, and the practical illustrations and the aim of the writer are drawn from, or directed to, a state of society far more democratic than any which an Englishman can have observed at home. Our own history and associations furnish little that can aid us, except by way of contrast, to apply the principles here traced to their source.

None will refuse to this work a very high character for clear insight and strong logical powers. But when an author enters upon the purely dogmatical and didactic part of a subject, which directly touches or indirectly involves so many various elements of men's opinions, he must have made up his mind to encounter a very large amount of prejudice, infinite diversities of judgement, and all the degrees of assent which his reasoning may produce in different minds. He is no longer sheltered by an array of facts which the critic is not prepared to dispute; but he takes the open field of controversy upon which almost every reader is apt to consider him as a companion whom he may shake off at their first dispute, or as an antagonist whom he meets upon equal terms.

A further source of difficulty to the English reader is to be found in the fact that this book, although its title-page connects it with America, has obviously been written in France, and more exclusively for the French people. M. de Tocque-

ville, naturally relying upon the readiness with which his own countrymen may apply his remarks to the known phenomena of their own social condition, which they are for ever discussing, has not thought it necessary to enlarge upon the facts which that social condition has engendered. There is hardly a page in the work in which France does not appear to be meant, or a page in which French society and opinions are specifically mentioned. Such is the profound ignorance of the mass even of the more enlightened minds in this country on the real state of our neighbours, and so difficult is it to surmount the barriers which divide the opposite peculiarities of the two nations, that many English readers will find themselves at a loss to trace the propositions and inferences of this work to their source in fact. Occasionally we think (labouring perhaps ourselves under the disadvantage of imperfect knowledge, to which we are adverting) that the author has allowed circumstances and opinions peculiar to France to intermingle with his considerations of American institutions, and to affect his conclusions on democracy in general. We shall point out one or more instances of this as we proceed.

But when this element of the work is duly taken into the account it tends very materially to increase the value and importance of the whole production. The opinions here put forth on the nature and effects of the democratic element, are not the speculative results of observations made several years ago in a remote country, but they spring directly from a close acquaintance with the state of men's minds in an old country, whose political and social condition is indissolubly bound to the political and social condition of Europe. In the political institutions, and in the great natural advantages of the United States, M. de Tocqueville found opportunities for remarking the means by which democracy might become the parent of flourishing and enlightened communities. In France, the scene presented to the eye is of a sadder and less auspicious kind. Democracy is there the offspring not of the calm and virtuous spirit of freedom, but of a fierce revolution. Its progress has been attended by all the devastating passions which can agitate the human heart or divide human society. The spirit of strife, as he himself observes,

has survived the victory. The experiment is not to be tried upon a virgin soil, whose extent reaches far beyond the range of present enterprize, but upon a land still encumbered with the ruins of older institutions. There democracy does not find the wholesome restraint of earnest religion—the machinery of local institutions and combined enterprize—the protection of extensive public education—or the tradition of self-government. It has been the object of enlightened statesmen to supply the French people with some at least of these necessary elements; but they are not the growth of a few feverish years. The purpose of this book is to convince the French people that these elements are not only necessary but indispensable. Hence the tone of earnest expostulation which pervades the work,—hence the keen touches of sarcasm which probe the deep and grievous sores of that country,—hence the bold advocacy of fixed principles in religion, in morals and in politics, which is so eloquently maintained.

Nor is the lesson, though it be somewhat less applicable to England, less needed by our own countrymen. They will read in it the fate of those who would launch the vessel of the state, without due pilotage, on more tumultuous seas: they may trace the gradual infiltration of democracy into the minds of men and into the frame of society, till the former lose their noblest powers and impulses, the latter its security from oppression. For if we be destined to prolong the existence of British institutions based, certainly, on aristocratic principles, it must not be by a reaction arising from timorous prejudice against democratic innovation, but by a high and enlightened determination to vindicate the true application of those principles, to cast out their abuses, to repress their evil tendencies, and to confer upon them the power, without which all their dignity is adventitious—the power derived from the just fulfilment of the law of duty, directing all things to the public good. To borrow the striking language of one who had seen the fall of a king and the defeat of a nobility—of James Harrington—*“There is an evil which I have seen on the earth which proceeds from the ruler: Folly is set in high dignity and the rich”* (either in virtue and wisdom, in the goods of the mind or of those of fortune upon that balance which gives them a sense of the national interest) *sit in low places.* Sad complaints!

“that the principles of power and authority, the goods of the mind and of fortune, do not meet and twine in the wreath or crown of empire ! wherefore, if we have anything of piety or prudence, let us raise ourselves out of the mire of private interest to the contemplation of virtue, and put a hand to the removal of *this evil from under the sun*—this evil, against which no government that is not secured, can be good ;—this evil from which no government that is secure but must be perfect.”

It would be no easy task to lay before the reader a close and accurate analysis of these volumes of M. de Tocqueville's work, in which we have already remarked the total absence of redundancy of expression or amplification of the subject. Nor can the remarks we may offer at all stand in the place of a careful perusal of the work itself. All we shall attempt is to point out the general principle on which the whole structure rests, in order to make those extracts understood, to which a few critical remarks may be directed.

M. de Tocqueville has not given in any part of his work a verbal definition of what he understands by Democracy. If the question were put to him, he would probably answer with Jean Baptiste Say,—“If you wish to know what I mean by political œconomy, you must read my treatise on the subject.” It is however essential that the reader should be well aware of what he does *not* mean. The primary condition which M. de Tocqueville attaches to the existence of a democratic state of society is the equality of social conditions. He frequently alludes to democracy under a monarchical head: he more than once applies the term to a people living without any free political institutions at all under a democratic despotism ; and he never confines its meaning to the Aristotelian definition, that “an oligarchy is when men of property are the lords of polity ; and a democracy on the contrary is when those who do not possess much property, but are poor, have the supreme authority.”

“A kind of equality may even be established in the political world, though there should be no political freedom there. A man may be the equal of all his countrymen save one, who is the master of all without distinction, and who selects equally from among them all the agents of his power. Several other combinations might be easily imagined, by which very

great equality would be united to institutions more or less free, or even to institutions wholly without freedom.

"Although men cannot become absolutely equal unless they be entirely free, and consequently equality, pushed to its furthest extent, may be identified with freedom, yet there is good reason for distinguishing the one from the other. The taste which men have for liberty, and that which they feel for equality, are, in fact, two different things; and I am not afraid to add, that, amongst democratic nations, they are two unequal things.

"Freedom has appeared in the world at different times and under various forms; it has not been exclusively bound to any social condition, and it is not confined to democracies. Freedom cannot, therefore, form the distinguishing characteristic of democratic ages. The peculiar and preponderating fact which marks those ages as its own is the equality of conditions; the ruling passion of men in those periods is the love of this equality. Ask not what singular charm the men of democratic ages find in being equal, or what special reasons they may have for clinging so tenaciously to equality rather than to the other advantages which society holds out to them: equality is the distinguishing characteristic of the age they live in; that, of itself, is enough to explain that they prefer it to all the rest.

"I think that democratic communities have a natural taste for freedom: left to themselves, they will seek it, cherish it, and view any privation of it with regret. But for equality, their passion is ardent, insatiable, incessant, invincible: they call for equality in freedom; and if they cannot obtain that, they still call for equality in slavery. They will endure poverty, servitude, barbarism,—but they will not endure aristocracy.

"This is true at all times, and especially true in our own. All men and all powers seeking to cope with this irresistible passion, will be overthrown and destroyed by it. In our age, freedom cannot be established without it, and despotism itself cannot reign without its support."

The inference is that democracy consists, according to M. de Tocqueville, in the absence of aristocratic privilege and in the reduction of all castes and classes to one level, either by the division of the supreme power amongst the whole population, or by its concentration in the hands of one lord paramount. Thus he denies that the republics of antiquity were democratic, because the mass of the population in Athens and Rome was in a servile condition, and the status of citizenship was an aristocratic privilege. In France political rights are enjoyed by a very small part of the nation, but he always speaks of France as an extremely democratic country, because civil rights are on a footing of perfect equality, and the manners of the people are repugnant to privilege under all its forms.

"It is easy to perceive that if the political legislation of the Americans

is much more democratic than that of the French, the civil legislation of the latter is infinitely more democratic than that of the former. This may easily be accounted for. The civil legislation of France was the work of a man who saw that it was his interest to satisfy the democratic passions of his contemporaries in all that was not directly and immediately hostile to his own power. He was willing to allow some popular principles to regulate the distribution of property and the government of families, provided they were not to be introduced into the administration of public affairs. Whilst the torrent of democracy overwhelmed the civil laws of the country, he hoped to find an easy shelter behind its political institutions. This policy was at the same time adroit and selfish: but a compromise of this kind could not last; for in the end political institutions never fail to become the image and expression of civil society; and in this sense it may be said that nothing is more political in a nation than its civil legislation."

The United States are not styled a democracy merely because their form of government is republican, but they are republics because their whole social condition is democratic. The definition we elicit then is in fact a negative one—the absence of aristocratic privilege: equality of conditions is the first and necessary consequence; political power in the hands of the multitude a second, but not a necessary, result. The problem which this book is intended to solve will then stand thus:—to determine the conditions under which men will live, when all the privileges of birth and fortune, with their concomitant traditions, have been abolished.

It will be observed that herein lies a very important difference between the treatment of the subject, and the terms used, by all previous writers on political science, and by M. de Tocqueville: their researches were exclusively directed to find out the political institutions best fitted to govern society, his tend to the investigation of those social conditions on which political institutions must be based: they inquire for those institutions which would be absolutely best, he, for those which are relatively possible.

If it be possible to condense into a single proposition the principle which is here followed into so many of the ramifications of private and social life, we think that principle might be thus expressed: multitude is substituted by the democratic change for magnitude; whatever existed with greater intensity for the few, is diluted for the many; and the standard dimension is changed from that of depth to that of extent. At the risk of being driven by extreme brevity into some ob-

security, we shall present the reader, under a succinct form, with the results of this principle in some of its principal applications: they will serve us a kind of index to the volumes before us.

In the domain of the intellect, in democratic ages, there will be no profound learning, but general superficial notions of which no men will be wholly destitute; no profound philosophers, but sound practical reasoning will be common; no great artists, but works of art will be exceedingly multiplied; no great books, but the diffusion of literature will be very extensive; few first-rate artisans, but manufactured commodities will be cheap and abundant; no lofty drama, but theatrical delineations of ordinary life will be very popular.

In ethics, there will be few sources of intense pleasure, but general happiness will be more diffused; fewer ties of man to man, but more ties of man to mankind; no chivalrous feeling or high refinement, but more general civility and decorum; the principle of duty and sacrifice will yield to the principle of utility and interest; the notion of reliance on a special Providence will be superseded by a universal and fatal conception of the Divine government; and the relations of dependence between superior and inferior will give way to the relations of contract for mutual advantage.

In politics there will be no pre-pollent individuals, but powerful combinations of individuals, who taken severally would be impotent; there will be no high-vaulting ambitions, but universal emulation and discontent; there will be no masters of the world, but a general obedience to the public will,—however obscurely influenced and however tyrannically enforced; there will be no large estates or fortunes, but a more equal distribution of property: each fraction of society will be diminished in almost all its qualities, but the number of fractions being greatly increased, the aggregate of those qualities will be augmented.

There is nothing new in the principle itself, for, though not very extensively applied, it was not overlooked by Aristotle: *Τους γὰρ πολλούς, ὧν ἕκαστος ἐστὶν οὐ σπουδαῖος ἀνὴρ, ὁμῶς ἐνδεχεται συνελθόντας εἶναι βελτίους ἐκείνων, οὐχ ὡς ἕκαστον, ἀλλ' ὡς συμπαντας· οἷον τὰ συμφορητὰ δειπνᾶ τῶν ἐκ μίας δαπάνης χορηγηθέντων* Πολ. Ι'. στ. (p. 110. ed.

Schneider). But what was wholly unexampled, and probably unforeseen till within a recent period, is the extensive bearing of the principle upon all the relations of life, nay upon all the moral and intellectual powers of man.

These consequences would furnish an additional proof, it may be incidentally observed, of the essentially social quality of man's nature, since there is nothing in him (if all that is advanced in this book be sound) upon which so great a social revolution would not work an important change:—yet we pause before we adopt so sweeping and disastrous a conclusion, confident that on however broad a scale this system may be applied to the moral, intellectual and political conditions of life, there will ever remain above the law of society minds and qualities which are a law unto themselves—the indomitable energy of virtue, the aspiring flight of genius, or if even these fail, the desperate activity of passion: in these things men are not equal.

“When the ranks of society are unequal, and men unlike each other in condition, there are some individuals invested with all the power of superior intelligence, learning, and enlightenment, whilst the multitude is sunk in ignorance and prejudice. Men living at these aristocratic periods are therefore naturally induced to shape their opinions by the superior standard of a person or a class of persons, whilst they are averse to recognise the infallibility of the mass of the people.

“The contrary takes place in ages of equality. The nearer the citizens are drawn to the common level of an equal and similar condition, the less prone does each man become to place implicit faith in a certain man or a certain class of men. But his readiness to believe the multitude increases, and opinion is more than ever mistress of the world. Not only is common opinion the only guide which private judgement retains amongst a democratic people, but amongst such a people it possesses a power infinitely beyond what it has elsewhere. At periods of equality men have no faith in one another, by reason of their common resemblance; but this very resemblance gives them almost unbounded confidence in the judgement of the public; for it would not seem probable, as they are all endowed with equal means of judging, but that the greater truth should go with the greater number.

“When the inhabitant of a democratic country compares himself individually with all those about him, he feels with pride that he is the equal of any one of them; but when he comes to survey the totality of his fellows, and to place himself in contrast to so huge a body, he is instantly overwhelmed by the sense of his own insignificance and weakness.

“The same equality which renders him independent of each of his fellow-citizens, taken severally, exposes him alone and unprotected to the influence of the greater number.

"The public has therefore among a democratic people a singular power, of which aristocratic nations could never so much as conceive an idea: for it does not persuade to certain opinions, but it enforces them, and infuses them into the faculties by a sort of enormous pressure of the minds of all upon the reason of each.

"Thus, intellectual authority will be different, but it will not be diminished; and far from thinking that it will disappear, I augur that it may readily acquire too much preponderance, and confine the action of private judgement within narrower limits than are suited either to the greatness or the happiness of the human race. In the principle of equality I very clearly discern two tendencies: the one leading the mind of every man to untried thoughts, the other inclined to prohibit him from thinking at all. And I perceive how, under the dominion of certain laws, democracy would extinguish that liberty of the mind to which a democratic social condition is favourable; so that, after having broken all the bondage once imposed on it by ranks or by men, the human mind would be closely fettered to the general will of the greatest number.

"If the absolute power of a majority were to be substituted by democratic nations, for all the different powers which checked or retarded overmuch the energy of individual minds, the evil would only have changed its symptoms. Men would not have found the means of independent life; they would simply have invented (no easy task) a new dress for servitude. There is—and I cannot repeat it too often—there is in this matter for profound reflection for those who look on freedom as a holy thing, and who hate not only the despot, but despotism. For myself, when I feel the hand of power lie heavy on my brow, I care but little to know who oppresses me; and I am not the more disposed to pass beneath the yoke, because it is held out to me by the arms of a million men."

No brief critical sketch can give a complete notion of the coherence of the ideas to be traced in the thoughtful perusal, which hardly any man who thinks at all on such subjects, can fail to bestow on these volumes. We shall therefore select one or two topics as specimens of the rest. The following passages describe the tendency of men in democratic ages to follow the practical, to the exclusion of the theoretical parts of science:

"Men who live in democratic communities not only seldom indulge in meditation, but they naturally entertain very little esteem for it. A democratic state of society and democratic institutions plunge the greater part of men in constant active life; and the habits of mind which are suited to an active life are not always suited to a contemplative one. The man of action is frequently obliged to content himself with the best he can get, because he would never accomplish his purpose if he chose to carry every detail to perfection. He has perpetually occasion to rely on ideas which he has not

had leisure to search to the bottom; for he is much more frequently aided by the opportunity of an idea than by its strict accuracy; and, in the long run, he risks less in making use of some false principles, than in spending his time in establishing all his principles on the basis of truth. The world is not led by long or learned demonstrations: a rapid glance at particular incidents, the daily study of the fleeting passions of the multitude, the accidents of the time, and the art of turning them to account, decide all its affairs. In the ages in which active life is the condition of almost every one men are therefore generally led to attach an excessive value to the rapid bursts and superficial conceptions of the intellect; and, on the other hand, to depreciate below their true standard its slower and deeper labours. This opinion of the public influences the judgement of the men who cultivate the sciences; they are persuaded that they may succeed in those pursuits without meditation, or are deterred from such pursuits as demand it.

"There are several methods of studying the sciences. Amongst a multitude of men you will find a selfish, mercantile, and trading taste for the discoveries of the mind, which must not be confounded with that disinterested passion which is kindled in the heart of the few. A desire to utilize knowledge is one thing; the pure desire to know is another. I do not doubt that in a few minds and far between, an ardent, inexhaustible love of truth springs up, self-supported, and living in ceaseless fruition without ever attaining the satisfaction which it seeks. This ardent love it is—this proud, disinterested love of what is true—which raises men to the abstract sources of truth, to draw their mother-knowledge thence.

"The future will prove whether these passions, at once so rare and so productive, come into being and into growth as easily in the midst of democratic as in aristocratic communities. For myself, I confess that I am slow to believe it.

"In aristocratic society, the class which gives the tone to opinion, and has the supreme guidance of affairs, being permanently and hereditarily placed above the multitude, naturally conceives a lofty idea of itself and of man. It loves to invent for him noble pleasures, to carve out splendid objects for his ambition. Aristocracies often commit very tyrannical and very inhuman actions; but they rarely entertain grovelling thoughts; and they show a kind of haughty contempt of little pleasures, even whilst they indulge in them. The effect is greatly to raise the general pitch of society. In aristocratic ages vast ideas are commonly entertained of the dignity, the power, and the greatness of man. These opinions exert their influence on those who cultivate the sciences, as well as on the rest of the community. They facilitate the natural impulse of the mind to the highest regions of thought, and they naturally prepare it to conceive a sublime—nay, almost a divine—love of truth.

"Such is the aristocratic aim of science: in democratic nations it cannot be the same.

"The greater part of the men who constitute these nations are extremely eager in the pursuit of actual and physical gratification. As they are always dissatisfied with the position which they occupy, and are always free to leave it, they think of nothing but the means of changing their fortune, or of in-

creasing it. To minds thus predisposed, every new method which leads by a shorter road to wealth, every machine which spares labour, every instrument which diminishes the cost of production, every discovery which facilitates pleasures or augments them, seems to be the grandest effort of the human intellect. It is chiefly from these motives that a democratic people addicts itself to scientific pursuits,—that it understands, and that it respects them. In aristocratic ages, science is more particularly called upon to furnish gratification to the mind; in democracies, to the body.

"You may be sure that the more a nation is democratic, enlightened, and free, the greater will be the number of these interested promoters of scientific genius, and the more will discoveries immediately applicable to productive industry confer gain, fame, and even power on their authors. For in democracies the working-class takes a part in public affairs; and public honours, as well as pecuniary remuneration, may be awarded to those who deserve them.

"In a community thus organized it may easily be conceived that the human mind may be led insensibly to the neglect of theory; and that it is urged, on the contrary, with unparalleled vehemence to the applications of science, or at least to that portion of theoretical science which is necessary to those who make such applications. In vain will some innate propensity raise the mind towards the loftier spheres of the intellect; interest draws it down to the middle zone.

"Because the civilization of ancient Rome perished in consequence of the invasion of the Barbarians, we are perhaps too apt to think that civilization cannot perish in any other manner. If the light by which we are guided is ever extinguished, it will dwindle by degrees, and expire of itself. By dint of close adherence to mere applications, principles would be lost sight of; and when the principles were wholly forgotten, the methods derived from them would be ill pursued. New methods could no longer be invented, and men would continue to apply, without intelligence and without art, scientific processes no longer understood.

"When Europeans first arrived in China three hundred years ago, they found that almost all the arts had reached a certain degree of perfection there; and they were surprised that a people which had attained this point, should not have gone beyond it. At a later period they discovered some traces of the higher branches of science which were lost. The nation was absorbed in productive industry; the greater part of its scientific processes had been preserved, but science itself no longer existed there. This served to explain the strangely motionless state in which they found the minds of this people. The Chinese, in following the track of their forefathers, had forgotten the reasons by which the latter had been guided. They still used the formula, without asking for its meaning: they retained the instrument, but they no longer possessed the art of altering or renewing it. The Chinese, then, had lost the power of change; for them to improve was impossible. They were compelled, at all times and in all points, to imitate their predecessors, lest they should stray into utter darkness, by deviating for an instant from the path already laid down for them. The

source of human knowledge was all but dry; and though the stream still ran on, it could neither swell its waters, nor alter its channel.

"Notwithstanding this, China had subsisted peaceably for centuries. The invaders who had conquered the country assumed the manners of the inhabitants, and order prevailed there. A sort of physical prosperity was everywhere discernible: revolutions were rare, and war was, so to speak, unknown.

"It is then a fallacy to flatter ourselves with the reflection, that the Barbarians are still far from us; for if there be some nations which allow civilization to be torn from their grasp, there are others who trample it themselves under their feet."

The same tendency of men in democratic communities to strain after immediate practical results, even at the sacrifice of what is best and most essential, is very ingeniously traced in the useful arts.

"Such men are eager to find some short cut to these gratifications, already almost within their reach. The artisan readily understands these passions, for he himself partakes in them: in an aristocracy he would seek to sell his workmanship at a high price to the few; he now conceives that the more expeditious way of getting rich is to sell it at a low price to all.

"Thus the democratic principle not only tends to direct the human mind to the useful arts, but it induces the artisan to produce with great rapidity a quantity of imperfect commodities, and the consumer to content himself with these commodities.

"Not that in democracies the arts are incapable of producing very commendable works, if such be required. This may occasionally be the case, if customers appear who are ready to pay for time and trouble. In this rivalry of every kind of industry,—in the midst of this immense competition and these countless experiments, some excellent workmen are formed who reach the utmost limits of their craft. But they have rarely an opportunity of displaying what they can do; they are scrupulously sparing of their powers; they remain in a state of accomplished mediocrity, which condemns itself, and, though it be very well able to shoot beyond the mark before it, aims only at what it hits. In aristocracies, on the contrary, workmen always do all they can; and when they stop, it is because they have reached the limit of their attainments.

"The handicraftsmen of democratic ages endeavour not only to bring their useful productions within the reach of the whole community, but they strive to give all their commodities attractive qualities which they do not in reality possess. In the confusion of all ranks every one hopes to appear what he is not, and makes great exertions to succeed in this object. This sentiment indeed, which is but too natural to the heart of man, does not originate in the democratic principle; but that principle applies it to material objects. To mimic virtue is of every age; but the hypocrisy of luxury belongs more particularly to the ages of democracy."

The picture of these changes would be incomplete if it did not include those elements which excite, satisfy and detain the higher faculties of man's nature, however it may be circumscribed, though not extinguished, by the practical character of democratic society. The following passage on the future sources of poetry has struck us as one of the most eloquent and profound in the whole work.

" Thus the principle of equality, in proportion as it has established itself in the world, has dried up most of the old springs of poetry. Let us now attempt to show what new ones it may disclose.

" When scepticism had depopulated heaven, and the progress of equality had reduced each individual to smaller and better-known proportions, the poets, not yet aware of what they could substitute for the great themes which were departing together with the aristocracy, turned their eyes to inanimate nature. As they lost sight of gods and heroes, they set themselves to describe streams and mountains. Thence originated, in the last century, that kind of poetry which has been called, by way of distinction, the descriptive. Some have thought that this sort of delineation, embellished with all the physical and inanimate objects which cover the earth, was the kind of poetry peculiar to democratic ages; but I believe this to be an error, and that it only belongs to a period of transition.

" I am persuaded that in the end democracy diverts the imagination from all that is external to man, and fixes it on man alone. Democratic nations may amuse themselves for a while with considering the productions of nature; but they are only excited in reality by a survey of themselves. Here, and here alone, the true sources of poetry amongst such nations are to be found; and it may be believed that the poets who shall neglect to draw their inspiration hence, will lose all sway over the minds which they would enchant, and will be left in the end with none but unimpassioned spectators of their transports.

" I readily admit that the Americans have no poets; I cannot allow that they have no poetic ideas. In Europe people talk a great deal of the wilds of America, but the Americans themselves never think about them: they are insensible to the wonders of inanimate nature, and they may be said not to perceive the mighty forests which surround them till they fall beneath the hatchet. Their eyes are fixed upon another sight: the American people views its own march across these wilds,—drying swamps, turning the course of rivers, peopling solitudes, and subduing nature. This magnificent image of themselves does not meet the gaze of the Americans at intervals only; it may be said to haunt every one of them in his least as well as in his most important actions, and to be always sitting before his mind.

" Nothing conceivable is so petty, so insipid, so crowded with pultry interests, in one word so anti-poetic, as the life of a man in the United States. But amongst the thoughts which it suggests, there is always one which is full of poetry, and that is the hidden nerve which gives vigour to the frame.

"The poets who lived in aristocratic ages have been eminently successful in their delineations of certain incidents in the life of a people or a man; but none of them ever ventured to include within his performance the destinies of mankind,—a task which poets writing in democratic ages may attempt.

"At that same time at which every man, raising his eyes above his country, begins at length to discern mankind at large, the Divinity is more and more manifest to the human mind in full and entire majesty. If in democratic ages faith in positive religions be often shaken, and the belief in intermediate agents, by whatever name they are called, be overcast; on the other hand men are disposed to conceive a far broader idea of Providence itself, and its interference in human affairs assumes a new and more imposing appearance to their eyes. Looking at the human race as one great whole, they easily conceive that its destinies are regulated by the same design; and in the actions of every individual they are led to acknowledge a trace of that universal and eternal plan on which God rules our race. This consideration may be taken as another prolific source of poetry which is opened in democratic ages.

"Democratic poets will always appear trivial and frigid if they seek to invest gods, demons, or angels with corporeal forms, and if they attempt to draw them down from heaven to dispute the supremacy of earth. But if they strive to connect the great events they commemorate with the general providential designs which govern the universe, and if, without showing the finger of the Supreme Governor, they reveal the thoughts of the Supreme Mind, their works will be admired and understood, for the imagination of their contemporaries takes this direction of its own accord.

"It may be foreseen in like manner that poets living in democratic ages will prefer the delineation of passions and ideas to that of persons and achievements. The language, the dress, and the daily actions of men in democracies are repugnant to ideal conceptions. These things are not poetical in themselves; and if it were otherwise, they would cease to be so, because they are too familiar to all those to whom the poet would speak of them. This forces the poet constantly to search below the external surface which is palpable to the senses, in order to read the inner soul: and nothing lends itself more to the delineation of the Ideal than the scrutiny of the hidden depths in the immaterial nature of man. I need not to ramble over earth and sky to discover a wondrous object woven of contrasts, of greatness and littleness infinite, of intense gloom and of amazing brightness—capable at once of exciting pity, admiration, terror, contempt. I find that object in myself. Man springs out of nothing, crosses Time, and disappears for ever in the bosom of God: he is seen but for a moment, staggering on the verge of the two abysses, and there he is lost.

"If man were wholly ignorant of himself, he would have no poetry in him, for it is impossible to describe what the mind does not conceive. If man clearly discerned his own nature, his imagination would remain idle, and would have nothing to add to the picture. But the nature of man is sufficiently disclosed for him to apprehend something of himself; and sufficiently obscure for all the rest to be plunged in thick darkness, in which he

gropes for ever—and for ever in vain,—to lay hold on some completer notion of his being.

“ Amongst a democratic people poetry will not be fed with legendary lays or the memorials of old traditions. The poet will not attempt to people the universe with supernatural beings in whom his readers and his own fancy have ceased to believe; nor will he present virtues and vices in the mask of frigid personification, which are better received under their own features. All these resources fail him; but Man remains, and the poet needs no more. The destinies of mankind,—man himself, taken aloof from his age and his country, and standing in the presence of Nature and of God, with his passions, his doubts, his rare prosperities and inconceivable wretchedness,—will become the chief, if not the sole theme of poetry amongst these nations.

“ Experience may confirm this assertion, if we consider the productions of the greatest poets who have appeared since the world has been turned to democracy. The authors of our age who have so admirably delineated the features of [*Faust*,] *Childe Harold*, *Réné*, and *Jocelyn*, did not seek to record the actions of an individual, but to enlarge and to throw light on some of the obscurer recesses of the human heart.”

The design of these volumes is far more extensive and profound than that of a mere disquisition on existing social phenomena, intended simply to excite the understanding or to beget an opinion. There is a spirit in the book of a more living and practical nature,—a spirit of expostulation and exhortation, a constant vindication of the higher elements of social existence, and an eminent attachment to those great spiritual and moral truths upon which the life of nations does in reality depend. Its principal object is to educate men for the condition which it foretells, to warn them of its dangers, and to teach them how to apply its principles.

“ No power upon earth can prevent the increasing equality of conditions from inclining the human mind to seek out what is useful, or from leading every member of the community to be wrapped up in himself. It must therefore be expected that personal interest will become more than ever the principal, if not the sole, spring of men's actions; but it remains to be seen how each man will understand his personal interest. If the members of a community, as they become more equal, become more ignorant and coarse, it is difficult to foresee to what pitch of stupid excesses their egotism may lead them; and no one can foretell into what disgrace and wretchedness they would plunge themselves, lest they should have to sacrifice something of their own well-being to the prosperity of their fellow-creatures.

“ I do not think that the system of interest, as it is professed in America, is, in all its parts, self-evident; but it contains a great number of truths so evident, that men, if they are but educated, cannot fail to see them. Edu-

cate, then, at any rate; for the age of implicit self-sacrifice and instinctive virtues is already flitting far away from us, and the time is fast approaching when freedom, public peace, and social order itself will not be able to exist without education."

In immediate connexion with intellectual instruction, with the knowledge of man's duties and his privileges, stand those principles of moral training to which all the closest ties of life contribute. The following passage describes the influence of democracy on the parental and fraternal relations.

"At the same time that the power of aristocracy is declining, the austere, the conventional, and the legal part of parental authority vanishes, and a species of equality prevails around the domestic hearth. I know not, upon the whole, whether society loses by the change, but I am inclined to believe that man individually is a gainer by it. I think that, in proportion as manners and laws become more democratic, the relation of father and son becomes more intimate and more affectionate; rules and authority are less talked of; confidence and tenderness are oftentimes increased, and it would seem that the natural bond is drawn closer in proportion as the social bond is loosened.

"In a democratic family the father exercises no other power than that with which men love to invest the affection and the experience of age: his orders would perhaps be disobeyed, but his advice is for the most part authoritative. Though he be not hedged in with ceremonial respect, his sons at least accost him with confidence; no settled form of speech is appropriated to the mode of addressing him, but they speak to him constantly, and are ready to consult him day by day: the master and the constituted ruler have vanished,—the father remains.

"Nothing more is needed, in order to judge of the difference between the two states of society in this respect, than to peruse the family correspondence of aristocratic ages. The style is always correct, ceremonious, stiff, and so cold that the natural warmth of the heart can hardly be felt in the language. The language on the contrary addressed by a son to his father in democratic countries is always marked by mingled freedom, familiarity and affection, which at once show that new relations have sprung up in the bosom of the family.

"A similar revolution takes place in the mutual relations of children. In aristocratic families, as well as in aristocratic society, every place is marked out beforehand. Not only does the father occupy a separate rank, in which he enjoys extensive privileges, but even the children are not equal amongst themselves. The age and sex of each irrevocably determine his rank, and secure to him certain privileges: most of these distinctions are abolished or diminished by democracy.

"In aristocratic families the eldest son, inheriting the greater part of the property and almost all the rights of the family, becomes the chief, and to a certain extent the master, of his brothers. Greatness and power are for him,—for them, mediocrity and dependence. Nevertheless it would be

wrong to suppose that, amongst aristocratic nations, the privileges of the eldest son are advantageous to himself alone, or that they excite nothing but envy and hatred in those around him. The eldest son commonly endeavours to procure wealth and power for his brothers, because the general splendour of the house is reflected back on him who represents it; the younger sons seek to back the elder brother in all his undertakings, because the greatness and power of the head of the family better enable him to provide for all its branches. The different members of an aristocratic family are therefore very closely bound together; their interests are connected, their minds agree, but their hearts are seldom in harmony.

"Democracy also binds brothers to each other, but by very different means. Under democratic laws all the children are perfectly equal, and consequently independent: nothing brings them forcibly together, but nothing keeps them apart; and as they have the same origin, as they are trained under the same roof, as they are treated with the same care, and as no peculiar privilege distinguishes or divides them, the affectionate and youthful intimacy of early years easily springs up between them. Scarcely any opportunities occur to break the tie thus formed at the outset of life; for their brotherhood brings them daily together, without embarrassing them. It is not then by interest, but by common associations and by the free sympathy of opinion and of taste, that democracy unites brothers to each other. It divides their inheritance, but it allows their hearts and minds to mingle together.

"Such is the charm of these democratic manners, that even the partisans of aristocracy are caught by it; and after having experienced it for some time, they are by no means tempted to revert to the respectful and frigid observances of aristocratic families. They would be glad to retain the domestic habits of democracy, if they might throw off its social conditions and its laws; but these elements are indissolubly united, and it is impossible to enjoy the former without enduring the latter."

We shall now proceed to advert to some of the subjects on which M. de Tocqueville appears to us to have arrived at conclusions, which, to our minds at least, are not fully supported by facts in evidence. It is scarcely worth while to point out the minor oversights of illustration which seem here and there to have crept into the work, unless it be for the purpose of suggesting their correction. It will not be generally admitted that David and the modern French artists are more correct and attentive designers than Raffælle; and we doubt whether Milton introduced 600 words into the English language,—an assertion which probably rests upon no better authority than M. de Chateaubriand's introduction to his translation of *Paradise Lost*. It is asserted in the following passage, but the fact appears questionable, that the debates

of the British Parliament have, from their special aristocratic character, been eclipsed in interest to the general public of Europe, by the debates of the American Assemblies, or by the discussions of the French Chambers.

"The proceedings within the Parliament of England for the last one hundred and fifty years have never occasioned any great sensation out of that country; the opinions and feelings expressed by the speakers have never awakened much sympathy, even amongst the nations placed nearest to the great arena of British liberty; whereas Europe was excited by the very first debates which took place in the small colonial assemblies of America, at the time of the revolution.

"This was attributable not only to particular and fortuitous circumstances, but to general and lasting causes. I can conceive nothing more admirable or more powerful than a great orator debating on great questions of state in a democratic assembly. As no particular class is ever represented there by men commissioned to defend its own interests, it is always to the whole nation, and in the name of the whole nation, that the orator speaks. This expands his thoughts, and heightens his power of language. As precedents have there but little weight,—as there are no longer any privileges attached to certain property, nor any rights inherent in certain bodies or in certain individuals, the mind must have recourse to general truths derived from human nature to resolve the particular question under discussion. Hence the political debates of a democratic people, however small it may be, have a degree of breadth which frequently renders them attractive to mankind. All men are interested by them, because they treat of *man*, who is everywhere the same.

"Amongst the greatest aristocratic nations, on the contrary, the most general questions are almost always argued on some special grounds derived from the practice of a particular time, or the rights of a particular class; which interest that class alone, or at most the people amongst whom that class happens to exist.

"It is owing to this, as much as to the greatness of the French people, and the favourable disposition of the nations who listen to them, that the great effect which the French political debates sometimes produce in the world, must be attributed. The orators of France frequently speak to mankind, even when they are addressing their countrymen only."

If this actually be the case, it is probably owing to the same cause of want of sympathy with democratic principles that the British public are so utterly ignorant of the names of the orators in Congress, and so indifferent to the eloquence of the French Deputies.

A chapter is devoted to show the remarkably humane and decorous tendencies of democratic society, by encouraging more extensive sympathies between men. It is justly ob-

served that men's ferocity and indifference to each other's sufferings arises from a contemptuous denial of the equal rights of humanity: thus the Romans flung their barbarian prisoners to the beasts of the circus; and, as a more modern exemplification, we may now add the Chinese are exceedingly ready to mutilate and starve men, whose condition they affect to regard as distinct from, and immeasurably below, their own. But we have some doubts as to the claim here set up for the superior humanity of the Americans, and, by a parity of reasoning, of the French. It is alleged that no life has been judicially taken in the United States for political offences; but life has been taken by the direct and ferocious agency of the American people for fair political opposition to some of their institutions: their indifference to the fate of the black race seems to extend to something worse than indifference to the fate of the white abolitionists; and in some parts of the country the most barbarous excesses are not unusual concomitants of their democratic institutions. In the same passage M. de Tocqueville repeats the old reproach as to the sanguinary character of English laws, now happily less deserved than formerly: but we are not convinced that the abandonment of capital punishments is, or ought to be, so much the result of increasing compassion for criminal offenders, as of a sound conviction of their inefficacy to repress offences.

These however are incidental matters of no paramount importance: three other subjects appear to us to deserve a more strict discussion.

First.—The supposed tendency of democratic nations to adopt general ideas.

Secondly.—The supposed absence of all sympathy between the several classes of an aristocratic community.

Thirdly.—The fatal character which is assigned to the progress of democracy throughout the work.

1. By the term *general ideas*, M. de Tocqueville designates those inductions or generalisations which men are wont to adopt for the greater convenience of the mind, either to relieve themselves from the effort of close thinking, or to designate classes of notions which their minds cannot follow in detail.

"In the ages of equality all men are independent of each other, isolated and weak. The movements of the multitude are not permanently guided by the will of any individuals; at such times humanity seems always to advance of itself. In order therefore to explain what is passing in the world, man is driven to seek for some great causes, which, acting in the same manner on all our fellow-creatures, thus impel them all involuntarily to pursue the same track. This again naturally leads the human mind to conceive general ideas, and superinduces a taste for them.

"I have already shown in what way the equality of conditions leads every man to investigate truth for himself. It may readily be perceived that a method of this kind must insensibly beget a tendency to general ideas in the human mind. When I repudiate the traditions of rank, profession and birth, when I escape from the authority of example, to seek out, by the single effort of my reason, the path to be followed, I am inclined to derive the motives of my opinions from human nature itself; which leads me necessarily, and almost unconsciously, to adopt a great number of very general notions.

"Independently of the causes I have pointed out in what goes before, others may be discerned, less apparent but no less efficacious, which engender amongst almost every democratic people a taste, and frequently a passion, for general ideas. An accurate distinction must be taken between ideas of this kind. Some are the result of slow, minute and conscientious labour of the mind, and these extend the sphere of human knowledge; others spring up at once from the first rapid exercise of the wits, and beget none but very superficial and very uncertain notions.

"Men who live in ages of equality have a great deal of curiosity and very little leisure; their life is so practical, so confused, so excited, so active, that but little time remains to them for thought. Such men are prone to general ideas because they spare them the trouble of studying particulars; they contain, if I may so speak, a great deal in a little compass, and give in a little time a great return. If then, upon a brief and inattentive investigation, a common relation is thought to be detected between certain objects, inquiry is not pushed any further; and without examining in detail how far these different objects differ or agree, they are hastily arranged under one formula, in order to pass to another subject."

It is undoubtedly true that the French writers and thinkers of the present day are addicted to an excessive use of this kind of generalisation. But we were not aware that the Americans are much more prone than the English to err on this side. M. de Tocqueville has frequently had occasion to remark the precise and practical character of the information widely diffused on common subjects in America; and in the first lines of the volumes now before us, he states that the Americans are not so much as acquainted by name with the philosophical schools of Europe. This is, perhaps, an erro-

neous impression; for of late years the American press has been far before that of England in the diffusion and translation of the best philosophical writings of Germany and France; nay, the writings of Mr. Emerson, Mr. Hedge and other Americans show a strong bent towards the depths of transcendental metaphysics. But we apprehend that this circumstance, like the fervent piety of camp-meetings, is to be regarded rather in the light of a violent reaction against the prevailing spirit of the United States.

The question is whether this tendency, wherever it exists, is attributable to democracy or to some other cause. Now it is obvious that of all civilized nations the Germans are incomparably more prone to this mode of thinking and writing than any other people. Their scientific and literary pursuits are strongly tinged with the language of their speculative philosophy, which penetrates into their political and practical life. We have at this moment before us a book on political science by Dr. Buss, of Fribourg in Brisgau,—a work of very extensive practical information and utility, which we hope to have an opportunity of noticing more at length:—but before that learned professor enters on the historical and practical part of his subject, he dilates with evident predilection on the *anthropological* principles which he asserts to be the groundwork of all sound politics. Under a simpler form the proposition may possibly be true; but it is merely adverted to here as a proof (if any were needed) of the tendency of the Germans to this kind of abstract and sesquipedalian writing. If this is to be the standard, they are the most democratic people under the sun; and Hegel the greatest democrat in Germany. In like manner M. de Tocqueville has a chapter on the tendency of democratic nations to adopt Pantheistical opinions.

“If there be a philosophical system which teaches that all things material and immaterial, visible and invisible, which the world contains, are only to be considered as the several parts of an immense Being, which alone remains unchanged amidst the continual change and ceaseless transformation of all that constitutes it, we may readily infer that such a system, although it destroy the individuality of man,—nay, rather because it destroys that individuality,—will have secret charms for men living in democracies. All their habits of thought prepare them to conceive it, and predispose them to

adopt it. It naturally attracts and fixes their imagination; it fosters the pride, whilst it soothes the indolence, of their minds.

"Amongst the different systems by whose aid Philosophy endeavours to explain the Universe, I believe Pantheism to be one of those most fitted to seduce the human mind in democratic ages. Against it, all who abide in their attachment to the true greatness of man, should struggle and combine."

We are not told that the progress of Pantheism is actually rapid in the United States: but in Europe its origin may certainly be traced with far more propriety to the great German metaphysicians of the last and present generation, who have, as scholars and professors, produced no inconsiderable effect on the literature of Europe, and especially of France.

There is much superficial levity in the manner in which writers of the present age generalize their crude conceptions, and aim at universal truths to be compressed in the compass of a feuilleton. M. de Tocqueville has very justly shown that these desultory habits of mind are the bane of democratic ages. But they are certainly not confined to countries in which the state of society and political institutions have already assumed a democratic character. They may be traced, we think, wherever the absence of a regular sphere of political activity and experience leaves the mind to shape out some abstract conceptions of political truths, and to clothe them in general language; or wherever the absence of an established creed of faith leaves the mind to grope about in the vasty limbo of religious speculation. In France or Germany these peculiarities may from various concurrent causes, present themselves: but the tendencies, the dangers and the deficiencies of philosophy and divinity in England have till within a recent period been of a totally opposite character; and we apprehend that these spectres of political and religious truth have not presumed to haunt the strong practical institutions, or to disturb the strict religious convictions of the people of the United States. This is one of the instances in which the reader must carefully bear in mind the especial reference of this book to the intellectual condition of France.

II. Perhaps it is chiefly because M. de Tocqueville draws his examples of aristocratic society from the old French aristocracy before the Revolution, that he sometimes appears to

undervalue the importance of the services rendered, and the high sense of duty entertained, by the aristocracies of freer countries. We cannot entirely concur in his principle that "*there are no real sympathies between those who are not alike.*"—What then would become of that sympathy between the sexes, in spite of their dissimilarities, which is so ably described in one of his best chapters?—"And that the members of aristocracies have no sympathies for any beyond the pale of their own caste." But the whole tenour of this work, especially in the latter chapters, goes to prove, and with truth, that in democracies nothing is more apt to paralyse society than selfishness and indifference to the public good,—the necessary results of that social condition. It is not possible that in any but diseased and decaying aristocracies the selfishness of condition should have entirely obliterated, not only the law of human sympathy, but the sense of the principle on which aristocracy itself rests. "One touch of nature makes the whole world kin;"—and all men are sufficiently alike, if their whole natures are not distorted, to sympathize with man. But in aristocracies, except in their worst periods of decline, the consciousness of power must bring with it the consciousness that a dutiful use of that power is indispensable to self-preservation: and it is hard to believe that men feel least for the wretchedness of their fellow-creatures when they have most the power of relieving it. Madame de Sévigné may be quoted as an example of aristocratic hardness of heart, which contrasts painfully with the elegance of her manners and the warmth of her domestic affections; but the character of the aristocratic principle does not rest on times or persons such as the age of Madame de Sévigné, or the wits and beauties of Versailles.

"It sometimes happens that, wearied with public affairs and sated with opulence, amidst the ruin of religious belief and the decline of the State, the heart of an aristocracy may by degrees be seduced to the pursuit of sensual enjoyments only. At other times the power of the monarch or the weakness of the people, without stripping the nobility of their fortune, compels them to stand aloof from the administration of affairs, and whilst the road to mighty enterprize is closed, abandons them to the inquietude of their own desires; they then fall back heavily upon themselves and seek in the pleasures of the body oblivion of their former greatness. When the members of an aristocratic body are thus exclusively devoted to the pursuit of physi-

cal gratifications, they commonly concentrate in that direction all the energy which they derive from their long experience of power. Such men are not satisfied with the pursuit of comfort; they require sumptuous depravity and splendid corruption. The worship they pay the senses is a gorgeous one; and they seem to vie with each other in the art of degrading their own natures. The stronger, the more famous, and the more free an aristocracy has been, the more depraved will it then become; and however brilliant may have been the lustre of its virtues, I dare predict that they will always be surpassed by the splendour of its vices."

The loss of power, the neglect of duty, the pursuit of frivolous or scandalous amusement may justify that doom by which the French aristocracy has so cruelly suffered. M. de Tocqueville certainly does not disparage its own peculiar merits, or the favourable influence it indirectly exercised in its best days on the manners and culture of the nation. But the theory of aristocracy was lost sight of in France long before the noblesse tottered: its principles were subverted by the power of the crown; and in the hour of trial nothing but its vices remained to be scattered abroad. To compare, even by inference, democracy in America with what aristocracy became in France, is to compare the former principle under the most favourable circumstances with the latter in the most pitiable condition.

III. In the introduction to the first part of his book M. de Tocqueville explained that his object was not to advocate or to account for the spread of democratic principles in the world; he assumed the progress of democracy to be an incontrovertible fact, willed by Providence and sanctioned by Time: and whilst he deprecated the exultation with which some have hailed the approach of a new æra in the world's history, and deplored the blindness of others who shut their eyes against all prospect of change, he set himself to inquire into the safest and truest methods of adapting man and society to the circumstances of this new condition.

In speaking of the characteristics of historic writers in democratic ages he now uses the following language:

"Those who write in democratic ages have another more dangerous tendency. When the traces of individual action upon nations are lost, it often happens that the world goes on to move, though the moving agent is no longer discoverable. As it becomes extremely difficult to discern and to analyse the reasons which, acting separately on the volition of each member of the community, concur in the end to produce movement in the whole mass, men

are led to believe that this movement is involuntary, and that societies unconsciously obey some superior force ruling over them. But even when the general fact which governs the private volition of all individuals is supposed to be discovered upon the earth, the principle of human free-will is not secure. A cause sufficiently extensive to affect millions of men at once, and sufficiently strong to bend them all together in the same direction, may well seem irresistible: having seen that mankind do yield to it, the mind is close upon the inference that mankind cannot resist it.

"Historians who live in democratic ages, then, not only deny that the few have any power of acting upon the destiny of a people, but they deprive the people themselves of the power of modifying their own condition, and they subject them either to an inflexible Providence, or to some blind necessity. According to them each nation is indissolubly bound by its position, its origin, its precedents, and its character, to a certain lot which no efforts can ever change. They involve generation in generation, and thus, going back from age to age, and from necessity to necessity, up to the origin of the world, they forge a close and enormous chain, which girds and binds the human race. To their minds it is not enough to show what events have occurred: they would fain show that events could not have occurred otherwise. They take a nation arrived at a certain stage of its history, and they affirm that it could not but follow the track which brought it thither. It is easier to make such an assertion, than to show by what means the nation might have adopted a better course.

"I would moreover observe, that such principles are peculiarly dangerous at the period at which we are arrived. Our contemporaries are but too prone to doubt of the human free-will, because each of them feels himself confined on every side by his own weakness; but they are still willing to acknowledge the strength and independence of men united in society. Let not this principle be lost sight of; for the great object in our time is to raise the faculties of men, not to complete their prostration."

It may perhaps be remarked that some traces of this fatal character are discernible in the postulates of the writer. All that men have done, or can do, has, as he believes, served only to advance the democratic cause, by their exertions or in spite of them: and all the space that is left to the free-will of man is to make the best of this inevitable lot. If there be anything great in the energy of individual exertion for the public good,—if there be anything real in the objects of a lofty ambition unprompted by private interest,—if there be anything true in the consciousness and responsibility of man, all the highest faculties in our nature appear to militate against this absolute and overwhelming conclusion. But M. de Tocqueville has refrained from destroying the admirable fairness of his inquiry, by summing up the elements on either side. He leaves

the inference to be made by his reader: and he takes his leave of the subject in a passage marked by deep touches of a noble regret, and a not less noble confidence in the Providential government of the world.

"Before I close for ever the theme that has detained me so long, I would fain take a parting survey of all the various characteristics of modern society, and appreciate at last the general influence to be exercised by the principle of equality upon the fate of mankind; but I am stopped by the difficulty of the task, and in presence of so great an object my sight is troubled, and my reason fails.

"The society of the modern world which I have sought to delineate, and which I seek to judge, has but just come into existence. Time has not yet shaped it into perfect form: the great revolution by which it has been created is not yet over; and amidst the occurrences of our time, it is almost impossible to discern what will pass away with the revolution itself, and what will survive its close. The world which is rising into existence is still half encumbered by the remains of the world which is waning into decay; and amidst the vast perplexity of human affairs, none can say how much of ancient institutions and former manners will remain, or how much will completely disappear.

"When I survey this countless multitude of beings, shaped in each other's likeness, amidst whom nothing rises and nothing falls, the sight of such universal uniformity saddens and chills me, and I am tempted to regret that state of society which has ceased to be. When the world was full of men of great importance and extreme insignificance, of great wealth and extreme poverty, of great learning and extreme ignorance, I turned aside from the latter to fix my observation on the former alone, who gratified my sympathies. But I admit that this gratification arose from my own weakness: it is because I am unable to see at once all that is around me, that I am allowed thus to select and separate the objects of my predilection from among so many others. Such is not the case with that Almighty and Eternal Being whose gaze necessarily includes the whole of created things, and who surveys distinctly, though at once, mankind and man.

"We may naturally believe that it is not the singular prosperity of the few, but the greater well-being of all, which is most pleasing in the sight of the Creator and Preserver of men. What appears to me to be man's decline, is to His eye advancement,—what afflicts me, is acceptable to Him. A state of equality is perhaps less elevated, but it is more just: and its justice constitutes its greatness and its beauty. I would strive then to raise myself to this point of the Divine contemplation, and thence to view and to judge the concerns of men.

"No man, upon the earth, can as yet affirm absolutely and generally, that the new state of the world is better than its former one: but it is already easy to perceive that this state is different. Some vices and some

virtues were so inherent in the constitution of an aristocratic nation, and are so opposite to the character of a modern people, that they can never be infused into it; some good tendencies and some bad propensities which were unknown to the former, are natural to the latter; some ideas suggest themselves spontaneously to the imagination of the one, which are utterly repugnant to the mind of the other. They are like two distinct orders of human beings, each of which has its own merits and defects, its own advantages and its own evils. Care must therefore be taken not to judge the state of society, which is now coming into existence, by notions derived from a state of society which no longer exists; for as these states of society are exceedingly different in their structure, they cannot be submitted to a just or fair comparison.

“ The object is not to retain the peculiar advantages which the inequality of conditions bestows upon mankind, but to secure the new benefits which equality may supply. We have not to seek to make ourselves like our progenitors, but to strive to work out that species of greatness and happiness which is our own.

“ For myself, who now look back from this extreme limit of my task, and discover from afar, but at once, the various objects which have attracted my more attentive investigation upon my way, I am full of apprehensions and of hopes. I perceive mighty dangers which it is possible to ward off,—mighty evils which may be avoided or alleviated; and I cling with a firmer hold to the belief, that for democratic nations to be virtuous and prosperous they require but to will it.

“ I am aware that many of my contemporaries maintain that nations are never their own masters here below, and that they necessarily obey some insurmountable and unintelligent power, arising from anterior events, from their race, or from the soil and climate of their country. Such principles are false and cowardly; such principles can never produce aught but feeble men and pusillanimous nations. Providence has not created mankind entirely independent or entirely free. It is true that around every man a fatal circle is traced, beyond which he cannot pass; but within the wide verge of that circle he is powerful and free: as it is with man, so with communities. The nations of our time cannot prevent the conditions of men from becoming equal; but it depends upon themselves whether the principle of equality is to lead them to servitude or freedom, to knowledge or barbarism, to prosperity or to wretchedness.

But the application to be made of this book, and indeed the purposes to which its author would doubtless have it applied, are of a more practical character. Men will not be slow to draw this inference, nor to act suitably upon the convictions it may produce in their minds. The principle of necessity is not required to impart a deeper gloom to the picture which these volumes disclose. Nay rather, whilst we yield our ac-

knowledge of the fidelity of its outline, we invoke the powers which may yet remain to us, to prove, that whatever progress the democratic element may have made, its uncontrolled and inevitable dominion is not yet paramount. Whilst M. de Tocqueville, writing for a people amongst whom the social change is made and the work of revolution accomplished, provides to meet the *consequences* of the democratic principle, we write for a people who may yet provide to meet the principle itself before its authority is unquestioned, and even its excess justified by its power.

It will be asked whether the diffusion of knowledge, in quantities necessarily limited, will suffice to keep the great principles of science and of abstruse truth in view, to reward the first merit in art, and to explore and extend the utmost limits to which the intellect may attain: or whether it be not possible at once to promote these higher pursuits by the highest rewards of distinction, whilst their derivatives are broadly diffused among the mass of the people by an enlightened system of popular education. The paltry indulgences of animal life, the mere pursuit of self-interest, and the desultory chase of unattained happiness and imperfect results, cannot satisfy minds which are not devoid of cravings for the highest intellectual enjoyment, of all sense of the pleasures of duty, and of the conscious pride of perseverance and lasting success. Men who have learned to work with a view to their future, to their family, and to their dependents, will not willingly forego the objects which they have in view beyond the limits of the day—objects to which they are bound by the permanence of their property and by their sense of lasting duties.

We have already indicated that the want of human sympathy is the mark of a decaying aristocracy: the energetic performance of human duties is the test of an invincible one. These are the qualities which justify the hardship of unequal conditions, and resolve the difficulty of God's various allotments to men; since none are so high or happy as not to be made higher and happier by the discharge of humble duties, nor any so humble as not to be the monitors of the world's greatness. But that bastard aristocracy which M. de Tocqueville predicts may arise from the manufacturing powers

of our age, has all the harshness of contrast, with none of its humane correctives—all the hideous consequences of the property of man in man, without even the interested sympathy of the slave-owner in the negro. Such an aristocracy would indeed be the worst of all changes, even from the worst democracy.

The jealousy which pervades democratic societies is the deadliest enemy to their happiness and ultimately their prosperity, for it tends to put consequences at enmity with causes. We have seen, for instance, how practical science is severed from the high theoretical science in which its powers originate: so in the arts, the highest excellence is too high for mediocrity to assent to its supremacy, and mediocrity, too ignorant or too proud to borrow from the highest excellence, lapses into mere balderdash. Man can only improve by humility, by the love of superiority, and by the respect for what is higher than himself: but these qualities are the reverse of the democratic virtues of reliance on self, emulation pushed to jealousy, and disdain of authority. Until in the end, as the highest models of truth in science, power in politics, virtue in civil society, taste in the arts, or superiority in whatever else, cease to be fostered and acknowledged, their great function is at an end, and they are superseded by an aggregate of inferior qualities, which must ever go on declining, because that aggregate forswears its dependence on those superior models from which its merits—such as they are—did originally proceed.

Thus the author traces the decline of all that is most worth living for in the world: nor does he stop short of the final consequences to which his premises of the necessary approach of democracy lead him. He does not pause till he has described a condition more degraded, more servile, more unworthy of man than the worst times of ancient despotism; a condition which he shows to be naturally superinduced by the vices and by some of the virtues of democratic ages, but which he believes may be warded off by strenuous effort, by wise education, and by a judicious use of free institutions.

Without entering upon the train of argument by which these conclusions are established, we shall trace the moral effects of this change, in one of the cases in which its results would appear to be least questionable. Amongst the institu-

tions now existing in the United States which tend to obviate some of the immediate evils, if not to correct the ulterior tendencies of democracy, M. de Tocqueville places in the foremost rank the practice of association for civil and political purposes. His remarks are here again more especially pointed at his own country, where the habit of association is as little known as many of the higher correctives of the democratic element.

"The Americans make associations to give entertainments, to found establishments for education, to build inns, to construct churches, to diffuse books, to send missionaries to the antipodes; and in this manner they found hospitals, prisons and schools. If it be proposed to advance some truth, or to foster some feeling by the encouragement of a great example, they form a society. Wherever, at the head of some new undertaking, you see the Government in France, or a man of rank in England, in the United States you will be sure to find an association.

"Thus the most democratic country on the face of the earth is that in which men have in our time carried to the highest perfection the art of pursuing in common the object of their common desires, and have applied this new science to the greatest number of purposes. Is this the result of accident? or is there in reality any necessary connection between the principle of association and that of equality?

"Aristocratic communities always contain, amongst a multitude of persons who by themselves are powerless, a small number of powerful and wealthy citizens, each of whom can achieve great undertakings single-handed. In aristocratic societies men do not need to combine in order to act, because they are strongly held together. Every wealthy and powerful citizen constitutes the head of a permanent and compulsory association, composed of all those who are dependent upon him, or whom he makes subservient to the execution of his designs.

"Amongst democratic nations, on the contrary, all the citizens are independent and feeble; they can do hardly anything by themselves, and none of them can oblige his fellow-men to lend him their assistance. They all, therefore, fall into a state of incapacity, if they do not learn voluntarily to help each other. If men living in democratic countries had no right and no inclination to associate for political purposes, their independence would be in great jeopardy; but they might long preserve their wealth and their cultivation: whereas if they never acquired the habit of forming associations in ordinary life, civilization itself would be endangered. A people amongst which individuals should lose the power of achieving great things single-handed, without acquiring the means of producing them by united exertions, would soon relapse into barbarism."

In the last part of the book, the principle of association is in like manner advocated as the only means of opposing an adequate resistance to the centralizing spirit of modern despotism.

But admitting all that can be said of the principle of association as a means for accomplishing physical and even moral objects, when all other means fail,—that is to say when individual strength cannot attain the one, nor religious authority command the other,—the real value of the principle of association in itself still remains to be determined. It promotes certain objects ; it creates a new kind of relation in which men stand by one another, who would otherwise live wholly apart ; and it teaches certain habits of discipline and deference to the general will, which are advantageous to the community and the individual. But here the advantages of this social contrivance end : you will seek in vain in associated bodies for the sense of duty and responsibility, which every man seeks to shift from himself to his neighbour. M. de Tocqueville himself remarks at the close of his work :—“ It must be admitted that “ these collective beings which are called associations are “ stronger and more formidable than a private individual can “ ever be, and that they have less of the responsibility of their “ own actions ; whence it seems reasonable that they should “ not be allowed to retain so great an independence of the “ supreme power as might be conceded to a private individual.” Associations, of the description here chiefly alluded to, have no conscience : they have no fixed principle, for their acts and their professions are almost always a compromise between the sincere personal convictions of their own members. For their misdeeds no man will take blame to himself : nor will there be any room left for those higher and better impulses which act upon him individually, not collectively. “ Associated man,” said Shelley, with much truth, in spite of the bitterness of the sentiment, “ holds it “ as the very sacrament of his union to forswear all delicacy, “ all benevolence, all remorse,—all that is true, tender and “ sublime.”—That is to say when men are associated for a purpose, not by a principle.

Individually, man cannot wholly separate the pursuit of his interests from the dictates of his own nature and conscience ; —collectively, he strengthens the former by an alliance with a host of other men’s passions as eager as his own, and stifles the latter in the solitude or oblivion of his heart. What is profitable to the company can hardly be criminal to himself :

he has associates to lighten even guilt ;—"quod multis peccatur inultum est."

Observe then to what result we are inevitably led by this substitution of associated powers for aristocratic persons, which is held up as the indispensable agent and preservative of democratic society. In the place of men holding high powers in trust for the many,—a trust which is hallowed by a religious sense of their origin, and by the joint operation of all that is best in men's sympathies or loftiest in men's thoughts,—you are to substitute powers affording equal temptations with no equal restraints,—which exist only for the pursuit of their own ends—self-created—and in which no man refuses to bear his fraction of the same, if it be accompanied with his fraction of the profit. The newspaper-press, which M. de Tocqueville truly shows to be inseparable from public associations, and in fact to constitute an association of which the readers of a paper are the members, may illustrate the morality of associations : yet newspapers are the prophets of those nations in which collective bodies are the only aristocracy.

In England it is true that the principle of association has long been regarded as a powerful means of operation : it has borne the most glorious and some of the most disgraceful fruits which have ever grown out of the enterprize of man ;—it holds to this hour the empire of British India, and it is also branded by the early history of British India. But in England the principle of association has constantly been checked by the aristocratic character of the national institutions. There has ever been that in England, which could overawe and control the excesses of British associations ; and there is no stronger example of the necessity and the sturdy application of this control than the actual government of the East India Company. But if the principle of association is to be, not the subordinate agent, but the chief moving principle of society, where is this indispensable control to reside ? The state itself becomes, under pure democratic forms of government, a joint-stock company for political purposes ; it may be as ruthless and as bold as the worst aristocracy or the worst despot,—the signory of Venice, or the Caesars of Rome. Already the conduct of the government of the United States to the

Indians, and on other occasions when a purpose not a principle was their guide, may serve to exemplify this proposition.

We have been led away by the discussion of some of the points on which we partially differ from M. de Tocqueville, till a very inadequate space remains to convey our opinion of the high merits of the whole work. We regret that we cannot quote (for it is impossible to abridge) the judicious chapter on the relations of the sexes in democratic countries, and the elaborate and ingenious theory of honour, which is one of the most original portions of the book: but to these we more especially refer the reader. We might have traced the bearing of the principles here laid down upon the politics of the age, in our own or in other countries; or have enlarged on the high philosophical character of the ideas it contains,—the resolute hostility to everything which may engender or tolerate degraded notions of man, of his spiritual nature, of his social interests, and of his eternal destinies. But the language of panegyric is not required to draw attention to this book, or to enhance its real value; we only trust that it may be as generally and profitably studied as it has been wisely and conscientiously written.

ARTICLE VII.

The Recent Occurrences at Cracow.

THE article which appeared under this title in the last number of our Review contained a collection of most important facts, derived from official sources, relative to the republic of Cracow. The subsequent receipt of fresh documents enables us to add the following details, throwing considerable light upon this question, which the three protecting Powers have endeavoured to involve in mystery. We believe it to be an undoubted fact, that Cracow has never been troubled by any internal disorder; that this unhappy city has been cruelly calumniated from the commencement of the occupation; and that her commercial as well as her political

importance require that England should have there a representative.

Cracow is situated on the left bank of the Vistula, twelve miles from the frontiers of Austrian Silesia: she occupies an important military position, and, capable of being easily fortified, might be rendered a very formidable *tête-de-pont*. This consideration induced Austria, at the Congress of Vienna, to insist upon the *exclusive* possession of Cracow. Russia in her turn manifested the same desire at a later period. Cracow is the point at which the high-roads to Berlin and Vienna meet; a rail-road, which is now in progress, will soon facilitate the communication with Warsaw, which is at present interrupted by the military occupation that has continued since 1836.

The establishment of the republic of Cracow was the consequence of a necessity felt in common by all the Powers; this was so well appreciated, that special stipulations were made to regulate with the utmost care every detail respecting the national institutions,—a fact proved by the private treaties between Russia, Prussia and Austria, of the third of May, 1815, and the general act of the Congress of Vienna of the same date, which (in article 119) states, “that the ratification should include, on the part of the parties, the formal and solemn engagement to agree, either as signatories or as accessaries, to the accomplishment of the treaty; from which resulted a general guarantee, complete and reciprocal, of all the dispositions of the act.”

The constitution granted at Cracow in 1815, and annexed to the general act of the Congress of Vienna, established three powers,—legislative, executive and judiciary. To the legislative power belonged the sovereign control of the administration,—the nominations of the senators and magistrates,—the authority of citing before itself, in certain foreseen cases, public functionaries,—and the regulation of the budget of the state. The executive power was engaged in the administration of affairs, and had the initiative of the laws: it directed the police and the public force. To the judiciary power was confided the sovereign administration of justice in the country in civil and criminal matters: the magistrates enjoyed a perfect independence, nor were they subject to re-

moval, except in cases of suit instituted against them by the legislative power. Moreover the liberty of the press was guaranteed, as well as the institution of trial by jury.

Our former article has shown the successive and entire destruction of these protective institutions, guaranteed by the great Powers of Europe. In 1815, after the Congress of Vienna, a commission of organization was instituted at Cracow by the three protecting Courts, with the object of applying and developing the principles of the constitution. But this commission, during the three years that it existed in operation (1815-1818), distinguished itself only by its hostility to that constitution, and by its ignorance of the wants and desires of the country. It opposed itself to the freedom of commerce guaranteed by the treaties; it established the censorship; and, whilst it imposed a new statute on the university, it despoiled it of its ancient splendour and its privileges, and even attempted to undermine its credit.

Amongst the advantages and privileges granted to the free city of Cracow was that of the *freedom of commerce*, which insured to her very extensive relations and important benefits. This privilege was ceded by the general act of the Congress of Vienna, of May 3rd, 1815, and by the separate treaties of the same date.

Article 8 of the general act gives to the riverain town of Podgorzé, near Cracow, and situated in Galicia, the privileges of a free town for ever, in order to facilitate the commercial relations between the two cities. Five hundred toises (1000 yards) were assigned to the circle of Podgorzé, within which no custom-house nor any military post whatever could be established.

Article 14 maintains the principles laid down in articles 24, 25, 26, 28 and 29, of the treaty between Austria and Russia, and in articles 22, 23, 24, 25, 28 and 29, of the treaty between Russia and Prussia, relative to the free navigation of the rivers and canals throughout the whole extent of ancient Poland, as well as to the access to the sea-ports and the free circulation of agricultural and manufactured products in the different Polish provinces.

Article 118 declares that the treaties, conventions, declarations, regulations, and all the acts annexed to the general act,

and particularly the treaties between Russia and Austria, between Russia and Prussia, between these three Powers, or the *additional treaty* concerning Cracow, all bearing the date of May 3rd, 1815,—are considered to be an integral part of the arrangements of the Congress, and to have equal force and equal effect as if they had been inserted word for word in the general act.

Article 19 of the above-mentioned treaty between Russia and Austria stipulates in the following terms for freedom of communication between Cracow and the other provinces of the ancient kingdom of Poland.

“ Il sera libre au propriétaire mixte, ou à son fondé de pouvoir, de se rendre en tout tems de l'une des possessions dans l'autre, et pour cet effet il est de la volonté des deux Cours, que le gouvernement de la province la plus voisine délivre les passeports nécessaires à la requisition des parties. Ces passeports seront suffisans pour passer d'un gouvernement dans l'autre, et seront réciproquement reconnus.”

Article 24, relating to navigation, is thus worded,—

“ La navigation de tous les fleuves et canaux dans toute l'étendue de l'ancien royaume de Pologne (tel qu'il existait avant 1772) jusqu'à leur embouchure, tant en descendant qu'en remontant, sera libre de telle sorte, qu'elle ne pourra être interdite à aucun des habitans des provinces Polonaises, qui se trouvent sous le gouvernement Russe ou Autrichien.”

Article 26 introduces an uniformity of tonnage dues, in order better to assure the freedom of commerce. These duties, being once fixed, can only be altered by common consent.

Article 28 assures the most unlimited freedom of transit in all parts of ancient Poland, and stipulates that the duties to be collected in this respect shall be the most moderate, and similar to those already in existence for the merchants of the most favoured countries.

Article 29 states that the two Courts are entitled to name commissioners, in order to obviate all abuses in the collection of the duties by the custom-house, and the better to guarantee the freedom of import and export in the said provinces of the ancient kingdom of Poland.

The treaty concluded between Russia and Prussia recognizes the principle of the most unlimited freedom of commerce, such as is stipulated in the preceding treaty. The

additional treaty between Russia, Prussia and Austria is no less favourable to the unlimited freedom of commerce guaranteed to Cracow.

Article 3 assures the privileges granted to the riverain town of Podgorzé, adjoining Cracow, by article 8 of the general act of the Congress of Vienna.

Article 4 grants authority to Cracow to erect bridges over the Vistula, to communicate with Podgorzé.

Article 8 declares that the constitution of Cracow and of her territory prohibits her establishment of a custom-house, but reserves to her the barrier-dues and those of the bridge over the Vistula.

According to article 10, all the duties, immunities, advantages and privileges, stipulated in favour of the *mized* proprietors—viz. the freedom of commerce and that of navigation—are common to the free city of Cracow and to her territory. However, to facilitate her provisionment with wood, coal and other of the most necessary articles, the three Courts authorize the free exportation of these articles of consumption within the territory of Cracow.

Such were the benefits assured to the republic of Cracow with regard to commerce: let us now see how they were fulfilled by the three so-called *protective* Courts. The stipulations had scarcely been made, when their violation commenced. The freedom of commerce, which had been assured, existed only upon paper; and the three Courts hesitated not to apply to Cracow their prohibitory system, and to treat her in this respect entirely as a foreign country. This destroyed the commerce of Poland, which, according to the treaties, depended upon a perfect reciprocity of advantages. For it is evident that, whilst on the one side Cracow was forbidden to collect duties upon imported merchandize, it was reserved to her on the other to export her products into the same provinces without payment of any duties.

Austria refused to execute article 10 of the additional treaty, relative to the provisionment of Cracow. She imposed an oppressive duty upon all the articles of consumption which were imported from the state of Cracow; and when the Diet of Cracow, in February 1817, demanded of Austria a rectifi-

cation of this abuse, it received the reply, in December of the same year, that the Austrian government did not regard cattle, wood, oatmeal, corn, etc. as articles of primary necessity, and that consequently it could not attend to the complaint.

Notwithstanding the guarantees given by the treaties, that a commission should be established to fix the tariff concerning the commerce of Cracow with Russia and Austria, no commission was ever named with this object. So far from it, on the 16th of October, 1836, the duties upon the imported wines of Hungary, which by a special convention ought to have remained the same, viz. at eight ducats per hogshead, as well for Cracow as for the other provinces of Poland, were arbitrarily reduced by Russia to four ducats, to the great injury of the commerce of Cracow, and in spite of the numerous remonstrances of its inhabitants. The answer of the Russian government on this subject in the negative, dated May 5th, 1836, states,—“that it is a concession to a neighbouring and friendly power, due to the intimate relations between the two states, and that no state should take advantage of it.”

The freedom of communication so indispensable to commerce, and which is stipulated expressly in article 19 of the treaty concluded between Russia and Austria, is become a dead letter. At the end of a few years heavy restrictions in this respect were introduced by the three protective Courts; and since the second occupation of Cracow, in 1836, the inhabitants are held almost in a state of imprisonment, and delivered over to the good pleasure of the conference of the residents, which has arrogated to itself the right of granting or refusing passports. The consequence is, that the communications are almost entirely interrupted, and that the commerce is by this means ruined. The following are the names of several inhabitants of Cracow, amongst many others, who, in spite of the urgency of their affairs and their reiterated remonstrances to the residents, were unable to obtain passports:—Bochenek, Badeni, Skorkowski, Meciszewski, Höntzel, Placer and Jarzynski. Two other inhabitants of Cracow, A. Lipczynski and J. Glogier, having obtained passports for Galicia, signed by the Austrian resident, were arrested at Tar-

nopol, and, after an imprisonment of two months, sent back under escort to Cracow, without the least reason being ever given for conduct so arbitrary.

On the 30th of July, 1833, the *extraordinary commission* instituted by the three Courts for the reorganization of Cracow withdrew, by a note addressed to the Senate, the unlimited freedom of commerce guaranteed by the treaties to the riverain town of Podgorzé, and to its boundaries, under pretext that it facilitated the entrance of vagabonds into Cracow*; as if, besides the narrow limits of Podgorzé, the Austrian police were not able effectually to keep watch over persons unprovided with passports,—as if the government of Cracow could not in its turn exercise a vigilance which was wholly for its own interest. This suppression, then termed *temporary*, still remains, and has existed for seven years; nor does anything hold out the hope that it will ever cease. It was not announced to the Senate till the moment of its execution.

We have now to examine the nature of the commercial relations of Cracow with England. The market of Cracow being open to foreign merchandise and free of all entrance dues, a considerable importation of English products was the result. These consisted principally of the manufactures of Leeds, Sheffield, Birmingham, Manchester, etc.; which places exported stuffs, cotton, silk, wool, cloths, hardware, colonial products, sugar, coffee, etc. The goods were shipped to Hamburgh, whence they were forwarded by land to Leipzig, and from thence to Cracow. The transit dues were moderate: they have since been increased by Prussia.

The exportation of articles of commerce from Cracow consisted of zinc, wheat, trefoil-seed, etc.: a great quantity of zinc was sent to England. These products were conveyed along the Vistula as far as Dantzic, where they were shipped for England. The market of Cracow found a large number of buyers who came from the different Polish provinces, as well as from Silesia, Hungary, Wallachia, Moldavia, etc. The merchants of these latter countries were attracted to Cracow, in preference to Leipzig, on account of

* See annexed documents, No. 2, *infra*.

its greater proximity. The English merchandise bought at Cracow entered Wallachia by Pesth, and Moldavia by Czer-nowice, passing through Gallicia*.

The commerce of Cracow was the more important, as that city served as a corn-market to Silesia, which has been transferred, since the occupation of the republic, to Wieliczkowice and Baran. Cracow enjoyed great immunities; her geographical position, one of the most advantageous, contributed to the prosperity of her commerce, which was becoming more and more important, when the two successive occupations, in 1831 and 1836, came and annihilated it. There is not a doubt that, if England had a consul at Cracow, the occupation would not have taken place, nor would any blow have been aimed at her commerce. At present the only practical means of reviving this is to establish a consul in the city†.

Besides these guarantees given for the welfare of the republic, there were other measures intended to assure a moral culture and progressive development of civilization, not alone to Cracow, but also to all the provinces of the ancient kingdom of Poland without distinction, as is proved by article 10 of the additional treaty. The University of Cracow was one of the finest monuments of Polish civilization; founded in the fourteenth century, and endowed with important privileges, it produced men who at different periods were the ornament and strength of their country. The act of the Congress of Vienna guaranteed (by article 15 of the additional treaty) the rights and privileges of the university, as well as its great revenues. But the commission of reorganization, instead of themselves watching over the execution of the stipulations concerning the university, invested the Prussian commissioner, Baron Reibnitz, with all their powers. This gave rise to great abuses in the administration of the funds of the university: the chairs of the professors were, so to speak, put up to auction; the university was withdrawn from the authorities of the country; the rector was constituted sovereign judge of the students, who were deprived of the power

* The value of English goods imported into Cracow was by an error very considerably understated in our last article on this subject.

† See, for other important details, the *British and Foreign Review*, for April, 1837.

of appealing to another tribunal. The new statute imposed by the commission, under the influence of the Prussian commissioner, abolished all the privileges of the university, and passed by in silence all that concerned its endowments, confiscated in great part by the three protective Powers. This conduct called forth a remonstrance in the form of a demand from the Senate, presented to each of the three Courts. The Austrian government replied, July 13th, 1816, by a refusal, grounded upon the assertion that the university possessed revenues sufficient for its support; and added, contrary to the truth, that article 15 of the additional treaty guaranteed to the university only the property which it held *incontestably* at the period of the Congress of Vienna; and that all which it held in Galicia would be considered as alienated, since the treaty of 1809 made no mention of it. No alienation, however, had taken place, and all this property belonged to the university up to the meeting of the Congress of Vienna in the year 1815.

The Russian government made a similar reply, January 15th, 1817, insisting on the sufficiency of the revenues of the university; as if it had the power thus to annul the rights of property.

The Prussian government declared, June 24th, 1818, through its minister for foreign affairs, that it would make restitution of the funds demanded, as soon as it should be proved by official documents that they belonged to the university. Prussia could with the greater impunity require this proof, as she herself possesses the documents in question, which, through the events of the war and political changes, had been transferred to Warsaw, and from thence to Berlin.

The endowment of the university consisted of funded property, of real estates, farms, tithes and private benefices. On the foundation of the republic of Cracow in 1815, these endowments were divided among the provinces of Poland which had fallen to the lot of the three protecting Powers; they were estimated at 8,234,762 Polish florins, or about two million pounds sterling, according to the official report of 1836, presented by order of the commission of Audit.

In 1817 the arbitrary conduct of the director of police, Kostecki, provoked some resistance on the part of the stu-

dents of the university, which was followed by important modifications in the university regulations; these were inserted in the organic statute dated October 16th, 1819. At a later period, when this statute was to receive new modifications, the three protecting Courts, while they preserved its principal dispositions, laid down the principles of its future development in their act of September the 29th, 1826.

On the 5th of October, 1826, the Russian government appointed Count Zaluski, aide-de-camp of the Emperor, as curator, and gave the police of the university into his charge. The curator regularly presented his reports to the Russian senator, Nowosiltzof, a man known for his hostility to Poland. From this epoch dates the interdiction of the university to Poles from the other provinces, in despite of the solemn engagements contracted by article 15 of the additional treaty.

In 1833 a serious circumstance occurred which compromised the existence of the university. A new commission of reorganization was named by the three Courts; it was composed of Baron Pflügel, for Austria, M. de Forckenbeck for Prussia, and M. Tengoborski for Russia. A new organization was then imposed on the university, August 23rd, 1833, in accordance with which the three Courts were to be represented at the university by three curators, who in their turn were represented by deputies. These were, for Austria, M. de Metternich, represented by M. Brodowicz,—for Prussia, M. Ancillon, represented by M. Weyss,—for Russia, M. Nowosiltzof, represented by M. Markiewicz. From this moment the influence and authority of Russia became more and more manifest; and, at the instance of the Russian resident, a professorship of Russian literature was established. The university became the theatre of the most scandalous abuses; the ablest and most esteemed professors were discharged, and the most sacred personal rights violated. The university was subjected to the most degrading humiliations, and grew to be the arena of low intrigues, at the head of which was M. Schindler, one of the members of the committee charged by the reorganizing commission with reforming the university*. This deplorable situation still continues, and the co-

* Now invested by the residents with the Presidency of the Senate *ad interim*.

cupation has made it even worse, seeing that at the present moment there is no rector. The reduced number of students, caused by the exclusion of Poles from the other provinces, has greatly contributed to ruin the commerce of Cracow. Of what great importance then would it be to restore to this free city her ancient university, with its rights, its endowments, its privileges, guaranteed solemnly by treaties; and this moreover at an epoch when the implacable hatred of the Russian government against Poland is manifesting itself in the total destruction of her institutions, in the abolition of her colleges, of her universities, in the confiscation of her public and private libraries, in the forced introduction of the Russian language, and the persecutions aimed at her nationality and religion!

One of the severest blows at the independence and liberties of Cracow was unquestionably the imposition by the three Courts of a new constitution, announced by the Senate on the 29th of July, 1833, as about to be carried into execution on the 3rd of September in the same year*. The constitution granted to the republic, in 1815, by the Powers which signed the act of the Congress of Vienna, was, as we have said, inserted in the additional treaty concerning Cracow,—which treaty itself formed a part of the general act of the Congress; it followed then, that any modification of the primitive constitution could only take place with the previous assent of the Powers so signing. Nevertheless this was not attended to, and the promulgation of the new constitution was accomplished without the slightest participation of England or France, which could not have happened if these two Powers had had their accredited residents at the republic of Cracow. That constitution, it is well known, submits the national institutions of the free city to the discretion of the residents, who, united since that epoch *in conference*, govern with sovereign power, and impose their will upon a Senate of their own choice.

Article 7 of the new organic statute of the Senate authorises the president of that assembly to put a stop to its delibera-

* See annexed documents, No. 4, *infra*.

tions in important matters, obliging him to inform the three residents of his having done so, and to refer to their final decision. The supplement to article 17 of the same statute authorises the directors of the police and the militia not to obey the orders of the Senate when such reference has once been made to the residents. These modifications are inserted in the journal or *bulletin des lois* of Cracow, with the rescript of the Senate of August 9th, 1837, marked No. 5,436.

It is the fate of that free city to endure all the misery and humiliation that a refinement of cruelty can invent. Not only has her independence been usurped, and her well-being moral and physical destroyed, but attempts have been made to calumniate her in the eyes of Europe, and to represent her as unworthy of enjoying the benefits which had been assured to her. In 1831, a body of Russian troops commanded by General Rüdiger violated the territory of the republic; signalizing their three months' stay by acts of violence, and by the arrest of the venerable bishop of Cracow, Skorkowski,—an outrage drily announced by a note from General Rüdiger to the Senate, bearing date October 4th, 1831†. The illustrious prisoner was obliged to appeal to the Austrian resident for support and protection, as is seen in his letter of October 12th, 1831‡. When the Senate of Cracow claimed of the Russian government (February 18th, 1832) repayment of the charges incurred for the support of the army of occupation, they received a refusal, communicated by the Russian resident May 28th in the same year‡, grounded on the pretended connivance of the inhabitants of Cracow with their compatriots who took part in the Polish revolution of 1830. It is however a fact of public notoriety that the republic of Cracow did not take part in those events; and, even if she had done so, this would be no reason for any occupation whatever, which is rendered legally impossible by article 6 of the additional treaty, and article 9 of the general act of the Congress of Vienna, conceived in these terms: "The three Courts oblige themselves to observe and to cause to be observed, in all cases, the neutrality of the free city of Cracow."

* See annexed documents, No. 1, *infra*.

† *Ibid.* No. 2, *infra*.

‡ *Ibid.* No. 3, *infra*.

"and of its territory. No armed force, under any pretext whatsoever, shall be permitted to enter it."

Notwithstanding these solemn guarantees, the inviolability of the territory was not observed, either in 1831, at the time of the first occupation, or in 1836 at the second; we will show the chain of circumstances which led to this.

After the fall of Warsaw, Russia employed all her influence to engage Austria and Prussia severally to oppose the maintenance of Polish nationality in the free city of Cracow. A military occupation appeared the surest means of attaining this object; but as the treaties prohibited this, it was necessary to find a pretext, in the seriousness and urgency of circumstances. In 1834 a secret convention concluded at Münchengratz, without the concurrence of England and France, provided for the case of occupation, and exacted the participation of any one of the three Powers upon the demand of the two others. This concurrence of Austria and Prussia in the proposals of Russia is explained by their common and exaggerated apprehension respecting the Polish provinces subjected to their domination, but chiefly by the wish to preserve an alliance based upon the identity of the absolute principle of their governments, in opposition to the constitutional system of the western Powers. Austria and Prussia made the first concession to Russia, by sharing in the acts of violence committed at Cracow, but they have not been the less aggressive themselves. Austria skilfully succeeded in charging herself with the execution of all the measures taken in common against the liberties and independence of the republic; to which Russia consented, that she might the less awaken the attention of the other Powers, and accomplish her own views with fewer obstacles. In order to give a pretext, more or less plausible, to the occupation, recourse was had to calumny: Cracow, after twenty-one years of perfect quiet was represented as a central point of anarchy and revolutionary conspiracies, which might compromise the peace of the neighbouring states. But, as these conspiracies had no existence, it was necessary at least to render Cracow suspected, by sending spies to represent themselves as patriots and act the part of agitators. The residence of nearly two hundred Polish refugees in Prussian

Silesia and in Austrian Galicia facilitated the execution of these Macchiavellian schemes. It was only necessary to redouble the persecutions against these unhappy men, to hunt them mercilessly down, and to force them to seek an asylum in the territory of Cracow, by facilitating every means of their reaching it. These two hundred refugees having once entered Cracow, goaded on by secret agents and spies, desperate through hunger and fatigue, and concentrated in a spot of very limited extent, might become dangerous to the public tranquillity. It was then probable that the Senate, being itself unable to effect the evacuation of the territory, would be compelled to apply for assistance to the three protecting Courts, and that thus the occupation would be legalized in the eyes of Europe; under a thousand pretexts it might, from being at first temporary, become eventually permanent. Such was the plan conceived by Russia, and agreed to and executed by the three Powers, as the following facts incontestably prove.

In 1834 and 1835,—that is to say three years after the fall of Warsaw,—some persons, strangers to Cracow, appeared in that city with Russian passports: they represented themselves as republicans and secret agents of the Polish emigration. These spies, paid and sent by Russia, made inflammatory speeches, and endeavoured to stir up an armed revolt against the protecting Powers. The authorities of Cracow, informed of their proceedings, caused them to be arrested, and, after a previous examination, brought before a competent tribunal. Amongst these persons was a certain Clement Hulanicki, formerly a student at Breslau, who, upon being interrogated, confessed that he was a secret agent of Russia, and that he had acted by the instructions of the Russian resident. As soon as the resident was informed of this revelation, he imperiously demanded of the government of Cracow the immediate extradition of the accused persons as subjects of Russia. The Senate grounded its refusal to comply upon the obligations imposed on it by the second article of the new constitution of 1833, by which the republic of Cracow was made responsible for every hostile conspiracy against the three protecting Courts discovered within the limits of its territory. The demands of the Russian resident, however, were so reite-

rated and pressing, that the Senate was at length constrained to withdraw the accused persons from the hands of justice, and to deliver them to the Russian authorities on the frontier. Subsequently these individuals were seen in the ancient kingdom of Poland, enjoying their liberty as if they had been perfectly innocent.

In order to remove all pretext for foreign intervention, dangerous to the existence of the republic, the Senate had addressed a note to the Conference of the residents, in which it demanded the purification of the militia, among whom there was a small number of Polish refugees. The Conference refused to listen to this proposal, in a reply addressed to the Senate, May 31st, 1833*.

On the 30th of May, 1833, the Senate presented a note to the Conference, in which it pointed out the necessity of removing from the territory of Cracow two strangers who were reputed spies; of whom one had recently broken the windows of a house which were illuminated on the birthday of the emperor of Russia; while the other was strongly suspected of being one of the perpetrators of the murder of a Russian spy named Pawlowski. To this note no reply was given†. It was the same with all the subsequent ones,—with that of September 26th, 1833, in which the government demanded of the Commission of reorganization to regulate the position of a certain number of Polish refugees resident at Cracow, either by authorizing their continuance there, or by procuring for them passports to their respective countries. This demand, which was several times repeated to the Conference, remained always unanswered‡.

A similar fate befell the note of the Senate of May 30th, 1835§, in which it insisted on the expulsion of three strangers who threatened to compromise the public tranquillity by inflammatory language and the propagation of false reports. In the course of the same year the Senate informed the Conference, by a special note, of the arrival at Cracow of several suspected individuals, adding their names,—viz. Doliwa, under the name of Boeck, Cybulski under

* See annexed documents, No. 8, *infra*.

† See documents, No. 6 and 8, *infra*.

‡ *Ibid.*

§ *Ibid.* No. 6, *infra*.

that of Rychard, and Zabicki under that of Kazarczuk. The communication was accompanied by the original passports of these persons in confirmation of the statement: it was however followed by no effect*.

On the 9th of February, 1836, the Senate having received a note from the Conference, enjoining them to expel every stranger whom the latter should point out as dangerous to the public tranquillity, felt called upon repeatedly to insist upon these persons being so pointed out: this it was never able to obtain.

In 1835, as we have already said, there were about two hundred Polish refugees in Silesia and Galicia, in consequence of the result of the Polish revolution of 1830 and 1831. Advantage was taken of this circumstance to justify the occupation, in the following manner. This unfortunate remnant of the Polish army was persecuted; they were made to endure every kind of humiliation and privation, in order to drive them to take refuge at Cracow, where it was said that they would not be subject to any vexation. Every facility was offered to those of the refugees who accepted this invitation: the commissary of the Prussian police at Breslau, and the commissary of the Austrian police at Podgorzé, M. Gutl, furnished *feuilles de route* for Cracow to those who were unprovided with passports,—and *visas* for that city to those amongst them who had French or Belgian passports.

The Senate did not cease to protest against this influx of strangers, and vainly insisted on the Conference putting a stop to it, giving passports to those amongst them who were already in the territory of Cracow. Having failed in this demand, the Senate deemed it right to announce to the Conference, by a private note, the formation of a commission of its own choice, to ascertain the means of existence of the refugees and the assessment of the supplies; on the other hand, the refugees themselves applied to the Conference to have their passports signed for France and Belgium; but this was refused them. They complained loudly to the Senate of this forced residence, which might have the effect of compromising

* See documents, No. 8, *infra*.

them, as well as the country in which they had sought an asylum. It was the business of the three protecting Powers to prevent so large a number of strangers from falling upon Cracow; they had authorities at their disposal upon their respective frontiers, who might easily have checked this migration *en masse*; whereas Cracow was not allowed, by the terms of the treaties, to possess any military post whatever upon the frontier.

The Conference, in order to attain the occupation more easily, ordered the Senate to present a note, expressive of dissatisfaction with the police of the republic, and requesting the *favour* of having M. Gutt (commissary of the Austrian police at Podgorzé) appointed to direct that force. The Senate was obliged to obey the injunction of the Conference, and towards the close of 1836, Gutt received the appointment. This nomination spread the greatest terror amongst the inhabitants. Early in February, 1836, a murder was committed on a Russian spy named Pawlowski, who had been the means of betraying several persons: his corpse was found on the field of Lobzow, in the vicinity of Cracow. Pawlowski, before his arrival at Cracow, had mixed with the Polish refugees in France and England; he had crept into their intimacy, and succeeded in persuading them to avail themselves of his departure for Cracow to send letters by him to their families. In passing through Dresden he denounced to the Russian minister several young Saxons who had rendered great services to the Polish refugees. In the duchy of Posen, Pawlowski collected subscriptions for some Polish refugees residing in London: at Cracow he was one of the principal agents in exciting disorder and anarchy; and, upon being reproached with his scandalous conduct, he was accustomed to reply,—“What does it signify? I am none the worse for being in the pay of Russia.” The death of this person was universally attributed to the intrigues of the Russian resident, who sought to represent Cracow as a focus of revolutionary movements, in order to hasten the moment of the occupation. This suspicion was increased by the fact that all the efforts of the authorities at Cracow to discover the perpetrators of the crime remained without success.

On the 6th of February, 1836, Cracow was blockaded by

the troops of the three Powers, under pretext of the great confluence of Polish refugees, who might compromise the public tranquillity and order. The Senate, after having many times in vain addressed the Conference to prevent this influx, employed all the moral weight of its authority, and persuaded the refugees instantly to evacuate the territory of the republic. This injunction produced an immediate effect; and nearly the whole of the refugees, many of whom had been settled at Cracow ever since the Polish revolution, quitted in silence, and with despair at their heart, the spot where the Prussian and Austrian authorities had guaranteed them an asylum*, and went forth upon a distant journey, which was to transport them first to the prisons of Brünn, and thence to Trieste and to America. Many of these unhappy men were delivered up by the Austrian to the Russian authorities, and are now in Siberia, or incorporated in the Russian regiments of the Caucasus.

The spontaneous evacuation of Cracow by the refugees offers the best answer to the calumnies directed against them by the different organs of the Powers called protecting.

Every pretext for occupation being thus removed, it seemed that it could not take place; but this was not the result. On the 17th of February the Austrian troops entered Cracow, and were followed by those of Prussia and Russia†. The same day the proclamation of General Kauffman, commanding the army of occupation, suspended the authorities and established martial law. The Conference removed from Cracow *after the evacuation* a certain number of inhabitants, in order to swell the number of the expelled in the Russian and German official journals. These persons succeeded indeed in returning to Cracow after numerous delays, but the number of the expelled was never rectified in the above-mentioned journals.

In order to compromise the Senate of Cracow still more, the Austrian Government, by an official letter of Prince Metternich addressed to the president of the Senate, M. Wielo-

* See annexed documents, No. 8, *infra*.

† For the details, see annexed documents, No. 7, *infra*, and the *British and Foreign Review* for April, 1836, and April, 1838.

glowski, accused that body of having culpably connived at the maintenance of Polish refugees in Cracow,—of having suffered subjects of the protecting Powers, some of whom had taken part in the Polish revolution, to serve in the militia,—and of not having prevented the breaking the windows of a house on the 18th of December 1836, nor the murder of Pawlowski*. The facts brought forward in this letter show the insignificance and injustice of the accusations; and nothing manifests this more than the reply of the president of the Senate himself to Prince Metternich, February 25th, 1836†. The justification of the Senate in this document is complete; and, returning the stroke, a serious accusation is brought against the good faith of the three Courts, who, instead of being *protective*, were only aggressors and usurpers. In this important document it is proved, that the Senate made the greatest efforts to maintain order and tranquillity, menaced as they were by the intrigues of secret agents and foreign spies,—that all these efforts were paralyzed by the Conference,—that the authority of the Senate was set at nought by the Conference, who did not even reply to the reiterated communications of the Senate on the most urgent matters,—that in this situation the president of the Senate had no alternative left but to tender his resignation, which in fact he did,—that the occupation of Cracow took place *after the spontaneous retirement of the refugees*,—that their entrance into Cracow was caused by the Prussian and Austrian authorities,—that the president of the Senate had to endure, during the occupation, the greatest vexations and humiliations,—that he was summoned every day by corporals to attend the commanding-general,—that he demands that his justification shall be compared with the original acts,—that the motives of the entrance of the refugees into the territory of Cracow involve one of the heaviest accusations,—that the conduct of the refugees at Cracow was most honourable,—and that these circumstances are the more painful to the president of the Senate, inasmuch as he only consented to accept the presidency at Prince Metternich's particular desire.

* See documents, No. 8, *infra*.† *Ibid*.

The mention made in the letter of Prince Metternich, relative to the breaking the windows at Cracow, calls for a word or two. On the 18th of December, 1836, the birthday of the emperor of Russia, one of his agents, M. Siemionowski illuminated the front of his house; another Russian agent, Xavier Boski (whose expulsion, as we have above said, was vainly demanded of the Conference a year before) broke the illuminated windows. This circumstance, repeated and perverted by the official organs of the three Courts, made a great noise, but led to nothing further. The person who had thus singly illuminated intended to create a scene of disorder, and, hearing the breaking of the windows, cried out, "I have done my duty, and the mob have done theirs!"

We cannot omit to notice also the following fact, which seriously affects the Russian resident. The Conference invested with the dignity of senator a man who had a very bad reputation at Cracow, M. Microszewski. The Russian resident from that moment made him great advances, and entered into a close intimacy with him. At the end of some months the new senator proposed to the Senate to demand of Russia, as a particular favour, the incorporation of the republic of Cracow with her dominions. Great was the surprize of the Senate at this, as well as of the Prussian and Austrian residents, who required an explanation from the Russian resident. During these transactions, M. Microszewski confessed to his colleagues of the Senate that the proposition had been dictated to him by the Russian resident, who in his turn shielded himself by an absolute denial, and demanded of the Conference the removal from office of his intimate friend, to whom he had dictated the proposal;—this was granted.

We must now say a few words respecting the unheard-of abuses in the Police, confided, as we have already said, to M. Gutt, former Austrian commissary of police at Podgorzé. This man, after having shown great activity in gathering together at Cracow the greatest possible number of Polish refugees, used every effort to get up at least the appearance of a political conspiracy. He gave instructions, with this view, to the secret agents; but, not being able to succeed, in consequence of the great repugnance of the inhabitants for anything like anarchy, he gave orders (in 1837) for the imprisonment of

a large number of students, from the age of eleven to fifteen years, on whom he inflicted the most cruel tortures, in order to force them to sign a declaration, stating that they were the authors of a conspiracy formed against the security of the State and the three protective Courts. These tortures consisted chiefly in an absolute privation of food and repeated floggings. The director of the police also employed other means; he told these boyish prisoners that they should be restored to liberty as soon as they should confess their supposed faults; he gave them money to bribe them to do this, adding, that such a confession would gain the favour of the Conference and be very acceptable to that body. These facts are confirmed by the deposition of one of the prisoners, Bylicki, contained in the judicial acts relating to his accusation, dated March, 1837. Hunger and suffering extorted the confessions demanded by M. Gutt; but as soon as the accused lads were brought before their natural judges, they revealed the treatment to which they had been subjected, and protested their innocence. The tribunal that tried acquitted them, instituted an accusation against the director of police, and cited him before the high court of appeal. The accused however took advantage of his appointment—made by the Conference, and not by the Senate—and refused to appear before the tribunal: so did the soldiers who had witnessed the tortures inflicted on the prisoners, and who were forbidden to appear by the Austrian military authorities. The privileges of this tribunal, by a note of the Conference of September 9th, 1837, were confided to the police.

The majority of the accused persons still remain in confinement; they will be tried by an extraordinary commission, composed of a Prussian, an Austrian and a Russian delegate,—viz. for Prussia, M. Szule, counsellor of the civil tribunal of Berlin,—for Austria, M. Zaionczkowski, counsellor of the tribunal of Galicia,—for Russia, M. Brzezinski, judge of the tribunal of appeal at Warsaw. It is but too probable that, notwithstanding their acknowledged innocence, their imprisonment for three years, and the tortures they have been subjected to, the accused will be convicted and condemned to incarceration in one of the prisons of the three protecting

Courts, in virtue of the abolition of the constitution and all the institutions of Cracow by the Conference. The Senate of Cracow no longer enjoys the power of granting pardons, of which it is deprived, being now a mere passive instrument at the will of the Conference.

At the close of September, 1838, another murder took place on the person of a Russian spy named Ceylak. After fruitless investigations, M. Gutt accused as author of the crime a student of the university, distinguished by his excellent conduct, named Lewicki, and caused him to be arrested. The accused instantly brought undeniable proofs that, at the time of the murder, he was at a great distance from the spot where it was committed. The director of police then ordered him to be wrapped in a wet cloth, and a hundred blows to be given him with a stick: a serious illness was the consequence, which gave rise to the report of his death. This circumstance was taken advantage of in the following manner by M. Gutt: he addressed a circular, dated September 27th, 1838, to the mayors of the communes, in which he pretended that the accused had poisoned himself, and that before his death he had disclosed the names of all his accomplices, whom M. Gutt recommended to the vigilance of the mayors. Meantime the accused recovered, and the principal inhabitants sent a deputation to the president of the Senate, demanding of him the repression of the abuses exercised by the director of the police, who had become an object of terror to the country. The president of the Senate, M. Haller, a nominee of the Conference, replied that the Senate, not having the power to appoint the director of the police, nor to pay him, could not interfere in the matter. This reply had only the effect of emboldening M. Gutt, and assuring him of impunity. The charge brought against M. Lewicki went on afresh, and he is to be judged by the mixed commission delegated by the three Courts.

It is worthy of remark that the assassination of Ceylak is also generally attributed to the intrigues of the Russian resident, as had been that of Pawlowski in 1836; and that the real perpetrator of it will probably never be known in this case any more than in the other.

The facts we have related, supported by the official documents annexed to this article, appear to us to call for the attention of the two constitutional governments who guaranteed the independence and the liberties of the republic of Cracow. But one practical means offers itself for saving her,—viz. the immediate mission of a diplomatic agent, or a consul, who should be directed to inform his Government as to the real situation of the republic. If this measure should be deemed now less practicable in consequence of the occupation which has existed for four years, the British Government could delegate provisionally, *ad hoc*, a diplomatic agent, charged with a temporary mission, with the view of precisely ascertaining the events that have taken place in flagrant violation of the treaties of 1815. This measure, wholly diplomatical, is the more urgent, as the inhabitants of Cracow have addressed a petition to the Governments of England and France, accompanied by a memorial*, in which they require, as the only source of safety, the revision of their fundamental compact by a Conference appointed by the Powers that signed the treaties of 1815, and the mission of representatives of England and France. In fact, what remains for this unhappy city to do, after having in vain several times addressed the three Courts, whose duty it was in their *protective* capacity to have guarded in an especial manner her independence, but to require protection and support from the Governments of England and France? Their indifference to the welfare of Cracow, and the absence of their residents, have been the source of all the miseries of that republic. A continued delay can only perpetuate the occupation, which consumes the last resources of the country, treated as it is entirely as a conquered land: it must have the further result of hastening the ruin of the country, and of rendering its regeneration almost impossible.

We publish here the text of the documents alluded to in the preceding article.

* See annexed documents, No. 9, *infra*.

No. 1.

" *Le Chef d'un Corps d'armée, Aide de Camp Général de S. M. l'Empereur de toutes les Russies, Lieutenant Général Rudiger, au Sénat, dirigeant de la Ville libre de Cracovie.*

" Les données que je possède sur la part active que M. l'Evêque de Cracovie, Abbé Skórkowski, a prise aux derniers événements, en agissant ouvertement contre les intérêts de son *Souverain légitime*, par les mandemens qu'il fit publier dans son Diocèse, et dont le but évident était d'y attiser le feu de la rébellion, ces données, dis-je, se trouvant basées sur des documents authentiques, et irrécusables ; je pense être de mon devoir d'invoquer le Sénat dirigeant, à imposer au dit Evêque l'obligation à ne pas s'absenter, soit de son palais, soit de la ville de Cracovie, sans autorisation expresse de ma part, ou de celle de l'autorité militaire qui me succèdera, et cela jusqu'à décision ultérieure.

" Cracovie, le 4 Oct. (22 Sept. O. S.), 1831.

" (Signé) Aide de Camp Général Rüntzen "

No. 2.

Letter from the Bishop of Cracow to the Austrian Resident

" Monsieur le Résident, — Le Sénat Gouvernant de la ville libre de Cracovie m'a fait parvenir un office de S. E. M. le Lieutenant Général Rudiger en date du 4 courant, dans lequel, en m'imposant l'obligation de ne pas quitter l'Evêché, ni la ville de Cracovie, il m'interdit par là le plein exercice de mes fonctions épiscopales, en ce qu'il m'ôte la faculté de visiter les églises de mon Diocèse, conformément aux devoirs de mon ministère. Cette mesure, également contraire à la liberté de la Religion Catholique et de son culte, comme aux stipulations du Traité de Vienne, qui garantit l'immunité des prérogatives de l'Evêque de Cracovie, et le met sous la protection des traités souverains, me porte à vous la faire connaître, Monsieur le Résident, et m'impose en même temps l'obligation de recourir à la haute protection de S. M. l'Empereur d'Autriche, que j'ose respectueusement réclamer par votre bienveillante entremise.

" Ce n'est pas dans l'intérêt de la conservation de ma personne que je prends la liberté de réclamer la protection de S. M. I. R., mais le caractère sacré dont la miséricorde Divine m'a revêtu m'impose le devoir de le défendre contre toute atteinte ; et si l'on me croit coupable comme Evêque comme tel d'après toutes les lois divines et humaines, j'ai mon tribunal spécial, au quel j'en appelle, et qui seul est compétent à mon égard.

" Fort de ces motifs, j'ai l'honneur, M. le Résident, de vous prier de vouloir bien porter au pied du trône de S. M. I. R. ma présente, et très humble pétition, et j'ose espérer que Votre Auguste Souverain daignera l'accueillir gracieusement, et m'accorder sa haute et puissante protection. Veuillez agréer, etc.

" Cracovie, le 12 Octobre 1831.

" (Signé) SKÓRKOWSKI, Evêque de Cracovie. "

No. 3.

" Au Louable Sénat de la Ville libre de Cracovie.

" Son Altesse le Prince Vice-Roi du royaume de Pologne ayant soumis à S. M. Impériale la demande du Sénat, quant au remboursement des frais que l'occupation du territoire de la République de Cracovie par l'armée Impériale de Russie a occasionnés, a daigné m'autoriser, par ordre de mon très Gracieux Maître et par un rescrit du 21 (9 O. S.) du mois courant, No. 279, de déclarer au Sénat, que S. M. Impériale et Royale, ayant mûrement réfléchi sur l'objet de la réclamation du gouvernement de la ville libre de Cracovie, ne peut que considérer comme une chose juste et équitable, que comme ce sont les troubles dont la République de Cracovie a été le théâtre, et la connivence coupable de celle-ci avec les Révolutionnaires Polonais, qui ont occasionné l'entrée de l'armée impériale sur son territoire, les frais de l'entretien de cette armée tombent aussi à la charge du gouvernement de la république. En remplissant ainsi mon devoir, et en portant à la connaissance du Sénat cette réponse à sa requête présentée le 18 (6 O. S.) Février de l'année courante, No. 727, je suis obligé d'ajouter, que S. M. ayant déjà consenti que les frais de l'entretien de l'armée Russe à Cracovie, depuis le 16 (4 O. S.) Octobre jusqu'au jour de son évacuation définitive, soient payés par le trésor Impérial, a donné une preuve évidente de sa modération et de sa bienveillance avec laquelle Elle regarde encore le bien-être du pays qui jouit de sa haute protection.

" Fait à Cracovie le 28 (16 O. S.) Mai 1832.

" (Signé) ZARZECKI."

No. 4.

" Nous Président et Sénateurs de la Ville libre, indépendante, et strictement neutre de Cracovie, et de son territoire.

" Les trois cours sérénissimes et protectrices, après avoir mûrement considéré la proposition faite au sujet du changement nécessité, et à introduire dans plusieurs Articles de la Constitution, ayant dans leur sagesse trouvé indispensable certaines corrections, qui satisfieraient leur zèle pour le bien-être du pays, daignèrent unanimement accorder leur haute sanction au projet rédigé dans ce but, par la haute Commission Réorganisatrice, après une consultation préalable avec le comité des citoyens, desirant que la constitution ainsi modifiée soit mise immédiatement en exécution. La Commission nous ayant aujourd'hui communiqué la dite Constitution, en nous chargeant de son exécution, nous la livrons à la connaissance publique des citoyens et des habitants de la ville libre de Cracovie et de son territoire, dans le texte français, qui doit être considéré comme le seul authentique, ainsi que dans l'idiome national; faisant connaître, qu'à dater du 3 Septembre de l'année courante elle aura force de loi, et ordonnant son insertion dans le bulletin des lois.

" Fait à Cracovie, à la séance du 29 Juillet 1833.

" Le Président du Sénat,

" WIELOGLOWSKI.

" Le Secrétaire Général du Sénat,

" DAROWSKI."

No. 5.

" La Commission Extraordinaire nommée par les trois hautes Cours Protectrices, pour la réorganisation de la Ville libre de Cracovie, au louable Sénat.

" Les cours d'Autriche, de Prusse et de Russie se sont convaincu que le libre passage de la Vistule par le Pont de Podgorzé, compromettait essentiellement la tranquillité et l'ordre public, tant à Cracovie que dans les provinces avoisinantes. En effet, il est constant que des gens sans aveu ou poursuivis pour crime, trouvent par cette facilité de communication un refuge et un abri, tantôt de l'un, tantôt de l'autre côté de la Vistule, et se soustraient ainsi à la surveillance et à l'activité de la Police. Cette facilité de communication étant une conséquence de la liberté du commerce accordée à la ville riveraine de Podgorzé, et à son rayon, les cours d'Autriche, de Prusse et de Russie, subordonnant à l'intérêt de l'ordre public toute autre considération, sont convenues de retirer à la ville de Podgorzé, et à son rayon, le privilège de la liberté du commerce. Les soussignés commissaires extraordinaires et plénipotentiaires ont l'honneur d'informer le louable Sénat, que cette mesure est seulement suspensive, ne devant rester en vigueur qu'aussi longtemps que les circonstances exigeront une surveillance plus sévère de cette partie de la frontière; et les autorités compétentes Autrichiennes ont déjà reçu l'ordre de mettre à exécution la suspension temporaire de la liberté de commerce de la ville et du rayon de Podgorzé, en y apportant toutefois les ménagements nécessaires pour les intérêts du commerce de la ville libre de Cracovie, mais aussi en limitant les rapports trop multipliés qui ont subsisté jusqu'à présent entre cette ville et le rayon de Podgorzé. Les soussignés aiment à croire que le louable Sénat ne méconnaîtra pas les avantages que l'état libre de Cracovie retirera de la mesure en question, sous le rapport de l'ordre public, en ce qu'elle facilitera essentiellement aux autorités du Pays, les moyens d'entretenir une bonne Police.

" Cracovie, le 30 Juillet 1833.

" (Signé) PŁUGIEL.

" FÜRCKENBECK.

" TENGODORSKI."

No. 6.

" Le Président du Sénat à la Conférence des MM. les Residents des trois hautes Cours Protectrices.

" Déjà lorsque la Commission déléguée par les trois hautes Cours Protectrices s'occupait de la réorganisation de l'état de la ville libre de Cracovie, le Sénat institué par la dite Commission a cru devoir lui exposer l'urgence de prendre les mesures nécessaires afin de faciliter aux anciens militaires Polonais séjournant dans ce pays, ou le retour dans leurs foyers, ou la facilité de se rendre dans un pays, qui leur offrirait des moyens plus faciles de se livrer à quelque occupation utile, et de pourvoir à leur subsistance.

" Le Sénat a eu l'honneur de réitérer cette demande auprès de la Conférence, mais jusqu'ici aucune réponse, qui eut pu satisfaire sa sollicitude, ne s'en est suivie.

" En attendant, les ressources épuisées, l'impossibilité d'obtenir des fonds nouveaux, enfin le manque d'occupation, peut amener ces gens, et même en quelque sorte les forcer, à se prêter aux actions qui pourraient troubler la tranquillité publique et souiller leurs personnes.

" La mesure que présentent les propriétaires qui se constituent garants de la conduite, n'est suffisante qu'à l'égard des individus qui en possession des fonds les dépensent, en bénissant les protecteurs du petit pays qui leur sert d'asyle, et à l'égard de ceux qui par leurs talents et par leur travail sont capables de se suffire. Ces individus, au contraire, que l'expérience n'a pu corriger, et qui par des discours insensés, et par la propagation des nouvelles fausses et des idées exaltées et subversives, scandalisent leurs collègues, et qui pis est, peuvent influer sur l'esprit de la jeunesse, que l'âge, la réflexion et le temps n'ont pas encore mûrie; ces individus, dis-je, devraient être incontinent relégués.

" Voici les noms de ceux qui se trouvent dans cette catégorie :

" 1°. L. B., ci-devant officier au service du duché de Varsovie, dernièrement Major de l'armée révolutionnaire dans le régiment de la cavalerie du Palatinat de Sandomir.

" 2°. Xavier Polan, Volhynien, séjournant à Cracovie sous le nom supposé de Joseph Pawlikowski.

" 3°. Eysmont, Lithuanien, dont le nom supposé est Jean Kozubski.

" La Conférence voudra donc bien se prononcer d'abord à l'égard des susdits individus, et autoriser le Sénat à leur délivrer des passeports pour se rendre dans les pays qu'ils auront choisis. Le même moyen serait employé contre tous ceux que la Police indiquerait plus tard comme devant encourir la même mesure de précaution.

" Cracovie, 30 Mai 1835.

" (Signé) Le Président du Sénat,

" WISŁOGŁOWSKI."

No. 7.

" *La Conférence des Résidents des trois hautes Cours Protectrices, à S. E. M. le Président, et au louable Sénat de la Ville libre de Cracovie.*

" Pour ne pas laisser aucun doute sur les intentions des hautes Cours Protectrices relativement aux Réfugiés, qui en vertu de la Note de ce jour devront être éloignées du territoire de la Ville libre de Cracovie, les soussignés viennent d'être chargés de déclarer à S. E. M. le Président et au Sénat, que cette mesure aura son application à tous les individus qui, non originaires du Royaume de la République, ont participé à la dernière révolte en Pologne, soit en portant les armes en qualité d'officiers, de sous-officiers ou soldats, soit de toute autre manière, et qui se trouvent à Cracovie, ou dans son territoire, sans pouvoir légitimer ce sé-

jour par un passeport en règle, ou une permission spéciale délivrée à cet effet par l'autorité compétente d'une des puissances protectrices.

" Le service civil ou militaire, sans distinction de grade, ainsi que les droits de Cité, auxquels le gouvernement de la République pourrait avoir admis un de ces individus, ne l'exempte aucunement de la mesure générale en question.

" Les soussignés saisissent cette occasion pour offrir à S. E. M. le Président et au Sénat l'assurance de leur haute considération.

" Cracovie, le 9 Février 1836.

" (Signé) VON HARTMANN.

" E. BAR. STERNBERG.

" LIEHMAN."

No. 8.

Letter of the Ex-president of the Senate of Cracow, M. Wielogłowski, to Prince Metternich.

" Monseigneur,—Dans la lettre officielle dont il a plu à votre Altesse de m'honorer dernièrement, et dont la lecture m'a fait la plus douloureuse impression, je vois d'après toutes les mesures jugées comme nécessaires, prises au nom des hautes Cours, le gouvernement dont j'étais le membre, sous l'accusation fondée non sur des faits, mais sur des simples relations, comme quoi, je devais non seulement par une simple indulgence, mais ce qui est pire encore, par une coupable connivence, maintenir à Cracovie l'émigration Polonaise, dont le séjour est devenu aussi préjudiciable pour la ville libre que pour les provinces limitrophes des puissances protectrices.

" Combien cette imputation s'accorde avec la vérité, le temps et les circonstances le sauront éclaircir un jour.

" Dans la République de Cracovie, que les hautes Cours ont voulu être régie d'après les lois fondamentales qui lui furent magnanimement accordées, les fonctions du Président du Sénat se bornent seulement à la faculté de faire au gouvernement des motions tendantes aux améliorations de l'administration du pays, et à sanctionner par sa signature les décisions prises par la majorité du Sénat. Cependant, on ne saura citer aucun arrêté, aucun rescrit du Sénat, dont on pourrait tirer les conséquences qu'on lui attribue, et lui prouver cette tendance supposée. Le maintien, et la sécurité des Emigrés Polonais à Cracovie, ne sauront jamais être imputés au Sénat, et d'autant moins au soussigné, vu que même pendant la réorganisation de ce pays, le gouvernement pria la commission qui en fut chargée, par la Note du 26 Septembre, 1833, de vouloir bien décider sur le sort des Réfugiés, et de leur procurer, ou la liberté de revenir dans leur pays, ou des passeports pour l'étranger ; mais les représentations faites à ce sujet alors, comme aussi plus tard réitérées à plusieurs reprises à la Conférence, étant toujours restées sans réponse, vu que l'on se reportait à une décision définitive, que les hautes Cours se sont réservée à cet égard, le nombre des Emigrés augmentait en attendant tous les jours à Cracovie, par suite de

mesures prises contre eux en Gallicie, ce qui était d'autant plus facile que le passage de Podgorzë à Cracovie n'était sujet à aucune difficulté.

" Le second reproche fait au gouvernement, est d'avoir toléré dans la milice du pays des sujets des puissances protectrices, et parmi eux, même, deux qui ont porté les armes contre leurs propres souverains. Le fait n'a jamais été nié, mais au contraire, au commencement, d'abord, de son organisation, le gouvernement actuel a projeté à MM. les Commissaires plénipotentiaires une dissolution de la milice qui existait déjà, l'éloignement des gens suspects, et leur remplacement par le moyen d'un recrutement des indigènes.

" Le rejet de cette mesure par le Rescrit du 31 Mai 1833, a mis le Sénat dans la nécessité de laisser la milice sur le même pied sur lequel il l'avait trouvée.

" Le troisième reproche repose sur les événements que nous avons eu tout récemment à déplorer, et dont nous sommes tous condamnés à supporter les tristes suites. Ceux-là consistent dans les vitres cassées le 18 Décembre dernier; dans l'assassinat de Pawlowski; et dans un marron lancé d'une fenêtre le jour d'un bal des citoyens, comme les gazettes de Vienne le rapportent.

" Le premier et le second événement n'auraient pas eu lieu certainement, en jugeant d'après leurs auteurs, si la Conférence des Résidents avait bien voulu résoudre d'une manière favorable la communication du soussigné, en date du 30 Mai 1833, ci-jointe en copie, et consentir à l'éloignement du pays de Xavier Boski qui a cassé les vitres, et d'Eyamont, un des plus principaux complices, comme il commence à paraître aujourd'hui, du meurtre de Pawlowski. Ainsi, la note précitée, après un temps équivalant presque à une année entière, laissée sans la moindre réponse, amena ces tristes résultats, que le caractère turbulent des dits individus faisait prévoir d'avance, et craindre au soussigné.

" L'entretien des Associés politiques, et l'envoi des écrits exaltés par l'émigration Polonaise de France et de Belgique, ne sauraient peser sur le gouvernement, vu que chaque province avoisinante de notre état a une frontière et une douane bien gardée, et que tous les bureaux de poste dans notre ville sont entre les mains des autorités étrangères. Quant à l'envoi des émissaires, et leur séjour ici, qu'il me soit permis d'observer, qu'aucun d'eux ne serait en état de prouver qu'il était muni d'un passeport pour Cracovie; tous n'ayant de passeports que pour la Gallicie Autrichienne sont entrés seulement, en passant, dans notre état. Le gouvernement Cracovien ne saurait donc jamais être responsable de ce que la direction de Police de Breslau s'était permis de signer pour Cracovie des passeports délivrés par la Prusse pour les états Autrichiens, et de détourner ainsi les individus en question du chemin qui leur était indiqué par les autorités compétentes; et c'est d'autant plus, que le président, se fondant sur des faits, avait prévenu dans le temps la Conférence, de l'inconvénient qui résultait de ce que divers gens arrivaient ici sous des noms supposés, et même il a demandé leur expulsion à mesure que les individus en question paraissaient à Cracovie. Il l'instruit de l'arrivée de M. Doliva, sous le nom de

Boeck, de celle de Cybulski, sous le nom de Rychard, enfin de l'arrivée de S. Zabicki, sous le nom de Kazareuk. A l'appui de ces assertions, il communiqua à MM. les Résidents leurs passeports originaux. Ce sont des vérités incontestables, Monseigneur, qu'il est facile de prouver par les Actes et les correspondances officielles, et que le Résident de S. M. I. R. Apostolique ne saurait nier, sans se mettre en contradiction évidente avec les documents dont les traces se trouvent aussi chez lui.

" J'en appellerai au surplus pour ma défense personnelle aux actes de gouvernement, pour convaincre quelle était ma conduite et les motions faites aux Séances du Sénat, et mes efforts pour maintenir et consolider l'ordre public.

" Mais je ne saurai indiquer à Votre Altesse la vraie raison d'une aussi grande affluence des émigrés à Cracovie, vu que ceci porterait l'empreinte d'une accusation, et que je préfère toujours tomber victime moi-même, que nuire à qui que ce soit.

" Il a plu à Votre Altesse, avant trois ans, d'appeler le soussigné, qui se sentait déjà peu de forces, au poste du Président, que le concours des circonstances rendait si difficile : il lui a même plu de m'ordonner expressément la gestion. Desirant toujours obéir à la volonté suprême des hautes Cours, et à celle de Votre Altesse, je l'acceptais ; et si j'avais été secondé par la Conférence, j'espère que, Dieu aidant, j'aurais rempli ma tâche. Aujourd'hui, voyant que tous mes efforts ont été paralysés, j'ai jugé nécessaire de m'éloigner de mes fonctions, et j'ai demandé ma démission par l'entremise des Résidents. La Conférence, usant des pleins pouvoirs, dont elle doit être munie, me l'a accordée : je ne desirer donc plus que de me justifier aux yeux de Votre Altesse, et de me plaindre à elle de ce que, non convaincu de faute, j'en avais supporté la peine, en face des habitans du pays et des étrangers ; malgré que les réfugiés Polonais sur une simple insinuation du gouvernement, lorsque Podgorzé leur a été indiqué magnaniment comme point désigné, ont quitté Cracovie avec une docilité et une résignation morale sans exemple dans un pareil cas, et sans qu'on ait pu voir d'autre manifestation de sentiments, que celle des larmes et des embrassements mutuels.

" Humilié, appelé tous les jours par des capornaux chez le général commandant, j'ai pu facilement voir dès le premier moment de l'occupation militaire de la ville, que la volonté des hautes Cours protectrices envers moi, comme chef du gouvernement, a été vu détruite ou méconnue.

" Il n'est pas de ma compétence de juger si le rassemblement en masse des réfugiés, et leur expulsion simultanée, a fait du bien au pays Cracovien et aux provinces avoisinantes ; ni de prouver que le gouvernement qui par un simple appel a pu faire quitter Cracovie presque à tous les réfugiés avant l'arrivée des troupes, ne soit un gouvernement qui, faute de la force physique, jouit d'une influence morale, et bien prononcée même, sur les esprits des étrangers qui séjournaient dans le pays. Il serait certainement superflu de s'étendre sur ces considérations, car Votre Altesse saura le mieux les apprécier dans sa haute sagesse, toujours guidée par des sentimens de justice et de bienveillance.

" Si l'abaissement du gouvernement, si mon humiliation personnelle, était indispensable pour satisfaire à la volonté des hautes Cours, et amener les choses à l'état actuel, je m'y résigne sans murmurer ; j'implore seulement Votre Altesse de vouloir bien agréer ma justification, la faire comparer avec les actes originaux, et ayant jugé ainsi toute ma conduite, de daigner bien me conserver sa gracieuse protection, que j'étais à même d'éprouver, pendant les trois dernières années de ma présidence, et que je me flatte de n'avoir jamais démentie.

" Cracovie, le 25 Février 1836.

" (Signé) WIELOGLOWSKI."

No. 9.

" *Address of the Inhabitants of the Free City of Cracow to the Governments of Her Majesty the Queen of Great Britain, and His Majesty the King of the French.*

" Milord, premier Lord de la Trésorerie, — Les infortunes qui accablent la ville libre de Cracovie et ses habitans sont telles, que les soussignés ne voient plus pour eux et leurs concitoyens d'espoir, que dans la protection puissante et éclairée des gouvernemens d'Angleterre et de la France.

" La création de l'état de Cracovie comme ville libre, indépendante et neutre, fut un des Actes du Traité Général que les Représentans de la Grande Bretagne et de la France signèrent à Vienne en 1815, et par lequel ils contractèrent, au nom de leurs gouvernemens, l'engagement de faire respecter l'existence de cet état.

" Le Mémoire ci-joint a pour but de montrer que les stipulations concernant l'état de Cracovie n'ont point été respectées comme elles auraient dû l'être, et d'exposer la situation déplorable dans laquelle ses habitans se trouvent aujourd'hui placés par suite de ces violations.

" Nous osons recommander à l'attention des gouvernemens d'Angleterre et de la France ce Mémoire, qui trace un tableau fidèle de la condition douloureuse où nous nous trouvons réduits ; qui en démontre les causes, et indique les mesures dont l'adoption tendrait à amoindrir le mal.

" Daignez, milord, prendre connaissance de cet exposé ; et si vous demeurez convaincu :

" Que la situation dans laquelle nous nous trouvons, nous donne le droit d'invoquer l'intervention de toute puissance signataire du traité de Vienne ;

" Que nommément les gouvernemens de la Grande Bretagne et de la France sont en droit de répondre à cet appel ;

" Et que la démarche que nous leur demandons serait de leur part l'accomplissement d'un devoir solennellement contracté ;

" Alors, milord, veuillez nous faire auprès de la Souveraine qui vous honore d'une auguste confiance l'interprète de nos vœux, et déposer au pied de son trône les demandes suivantes que nous lui adressons respectueusement :

" 1. Que la Grande Bretagne s'entende avec la France pour exiger une

révision fondamentale des conditions qui fixent l'existence de l'Etat de Cracovie, tant pour l'intérieur que pour ses rapports avec ses voisins.

" Qu'une Commission ou Conférence soit désignée à cet effet par l'Autriche, la France, la Grande Bretagne, la Prusse et la Russie : que ces cinq puissances fixent de concert, ainsi qu'elles le firent en 1815, et d'une manière définitive, les bases fondamentales de son organisation intérieure, et les mettent d'accord avec les réglemens organiques postérieurs, par lesquels sa constitution originaire a été modifiée, quoique cette constitution inscrite textuellement dans l'Acte général du Congrès de Vienne, ait dû rester intacte autant que les autres stipulations du même traité.

" 2. Que les délégués de la ville libre de Cracovie soient admis, avec voix consultative, aux délibérations de cette conférence.

" 3. Que la Conférence arrête les mesures destinées à procurer aux habitans de Cracovie, dans leurs rapports commerciaux et dans toutes leurs communications avec les territoires avoisinans, les bénéfices qui leur furent assurés par le traité de Vienne. (Art. 14.)

4. Que les institutions fondamentales destinées à régler désormais l'existence de Cracovie, ayant une fois reçu la sanction des cinq puissances, toute réforme ultérieure s'accomplisse désormais d'après le mode tracé d'avance à cet effet, c'est-à-dire, par l'action régulière des pouvoirs constitutionnels du pays.

" 5. Que les autorités du pays, constituées d'après les institutions, ainsi renouvelées, soient désormais libres de toute influence étrangère avouée, et n'aient à répondre de leurs actes que devant les pouvoirs que la loi désignera à cet effet.

" 6. Enfin, que pour obvier à l'avenir à la nécessité de réclamation pareille à celle-ci, ainsi que pour surveiller l'effet des mesures que nous venons de proposer, les gouvernemens d'Angleterre et de la France entretiennent à l'égal des trois puissances voisines de Cracovie, des représentans accrédités auprès de cet Etat.

" Telles sont les prières que nous adressons aux gouvernemens de la Grande Bretagne et de la France. Nous nous flattons que l'examen des faits exposés dans le Mémoire ci-joint, prouvera que ces demandes sont indiquées par la plus urgente nécessité, et que les mesures que nous réclamons peuvent seules mettre un terme à l'état des choses sous lequel nous gémissons aujourd'hui.

" Pénétrés de cette conviction, nous osons espérer que la Providence accordera un heureux succès à la présente démarche, et nous nous estimons heureux, milord, si vous voulez bien l'appuyer de votre bienveillance particulière.

" Nous avons l'honneur d'être, avec la plus haute considération,

" Milord,

" Vos très humbles et très obéissans serviteurs,

" LES HABITANS DE CRACOVIE."

" Cracovie, 14 Mars 1839 *."

* This Document has but recently reached London; its delay is attributable to the difficulties of transmission.

No. 10.

Petition of the principal Bankers and Merchants of London, presented to the House of Commons the 14th of April 1840.

“ To the Honourable the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, the petition of the undersigned inhabitants and Merchants of the City of London and its vicinity. Sheweth.

“ That in considering the present condition of the commerce of this country with the Republic of Cracow and the losses arising to Great Britain from its destruction, your petitioners respectfully beg to call the attention of your Honourable House to the following statements :—

“ That at the Congress of Vienna, in 1815, the ancient City of Cracow and its territory was made an Independent Republic, having a constitution and national government of its own.

“ That in accordance with the said Treaty, to which Great Britain was a party, various Privileges and Immunities were given to the said Republic, and especially the freedom of import and export trade, and exemption from all duty.

“ That in consequence of such stipulations the commercial intercourse which had taken place between this country and the Republic of Cracow had been productive of the most favourable results.

“ The export chiefly consisted of the British manufactured goods, and of the produce of our Colonies.

“ That this trade which for a period of sixteen years appeared so promising has been, through the occupation of Cracow by foreign troops, entirely destroyed.

“ Your petitioners therefore humbly pray your Honourable House, to adopt such measures as may lead to the removal of the present state of things, which is no less injurious to the independence, liberty and welfare of Cracow, than to the commercial interests of this country : and at the same time they respectfully remind your Honourable House of a pledge given by the noble Viscount, the Secretary of State for Foreign Affairs, in his place in Parliament, in the year 1836, for the permanent establishment of a Consul in Cracow ; which would be the best means of reviving and protecting the commerce between this country and that free town.

“ And your petitioners will ever pray.”

[Signed by about 200 Bankers and Merchants of London.]

ARTICLE VIII.

1. *Discourses.* By WILLIAM E. CHANNING, D.D. Glasgow : James Hedderwick and Son. 1838.
2. *Moral Views of Commerce, Society and Politics, in twelve Discourses.* By the REV. ORVILLE DEWEY. London : Charles Fox, Paternoster Row. 1838.
3. *Society in America.* By HARRIET MARTINEAU, in 3 vols. Vol. iii. Second Edition. London : Saunders and Otley. 1837.

AMONG the various services affecting our moral and social state which the new world is in process of conferring upon the old, one certainly not of the least important is the change which some of her best men are bringing about in the nature of pulpit oratory, and the enlightened views which they take of the object, scope and operation of Christianity itself. Nor are the productions of these persons confined to their own country or class ; they find their way here, as well as to the continent of Europe,—a sufficiently satisfactory indication of the growing wants of the community,—and no less a proof that men's minds are approaching the recognition of the necessity for some kind of ecclesiastical reform.

In no department, indeed, of the existing agencies of public instruction is reform more needed than in the system of administering religion to the people. And this applies to sects as well as to establishments, to churches abroad as well as at home. While a spirit of deep scrutiny and extensive change has of late years visited many—may we not say most ?—of the chief operative instruments of men's physical and moral amelioration, it seems for the most part to have passed over that which is perhaps the most important and influential of all moral agencies. There have certainly been some few recent and successful attempts made in this country at improvement in the functions of the sacred office, but they are partial and limited.

The pernicious influence of the prevalent drawbacks, custom

and prejudice, upon the moral progress of mankind is, perhaps, nowhere more conspicuous than here; they have laid the pulpit under the most absurd restrictions and limitations; and hence its spirit has well nigh evaporated, and it has become almost a dead letter. The confined and technical character which belongs to the common administration of religion does more than anything else to disarm it of its power. The pulpit is the authorized expositor to men of their duties. Those duties, it will not be denied, press upon every action and instant of human life. But what now is the consideration which the pulpit generally gives to this wide and busy field of duty? Are not whole spheres of human action left out of the account? With the exception of some occasional and wholesale denunciations, are not business, politics and amusement passed by entirely? Are not men *left* to say, when engaged in those scenes,—“Religion has nothing to do with us here”? Do they not naturally enough feel that these engagements are, in a manner, set apart from all sense of duty? Is it strange that the public conscience is lax in these matters? It is a hard measure that the pulpit deals out to these departments of life. It never recognizes them as spheres of duty; it does nothing for the correction or culture of men’s minds in them; and yet, every now and then, it comes down upon their aberrations with cold, bitter and unsparring censure.

No one will deny that the power of the pulpit is in itself very great, and might be made the instrument of incalculable good. Much of that power may remain unexercised, or be egregiously misdirected; but the character of its agency must ever continue a topic of deep interest to every friend of mankind:

“ The pulpit (in the sober use
Of its legitimate peculiar powers)
Must stand acknowledged, while the world shall stand,
The most important and effectual guard,
Support, and ornament of virtue’s cause.”

Merely in virtue of his office and of the place which he occupies, the preacher is in possession of that respectful attention which anywhere else it costs long effort to obtain, even with the advantages of talents, information and character.

The seriousness and sacredness of the clerical function tend to give weight and influence to the subject and sentiments of his discourse. And when it is considered that he possesses the incalculable advantage of incessant repetition, that he can add "line upon line, and precept upon precept,"—"here a little and there a little," until his object be fully accomplished, the influential character of his position becomes still more striking. Nor is this moral instrumentality circumscribed to a few; thousands possess and exercise it from week to week upon the most important portion of the community—the most numerous, the most orderly and industrious, the most reflecting and moral classes. Sermons are to millions what reading is to thousands. The hearing of the former is to the uneducated their chief source of information on topics unconnected with their daily occupation; it is the most frequent and powerful impulse to thought which their minds are in the way of receiving; it helps to fashion, more than anything else, their mental if not their moral character. Hence the work of education is to a large extent in the hands of the preachers; and where it is not more directly so, still those to whom it is entrusted are subjected in a great degree to their influence. The greatest exertion is made, and generally with success, not only to instil into the minds of the young the belief of such doctrines as are deemed important, but permanently to influence their modes of thought and feeling. Now it cannot be gainsayed that this is a powerful machinery for good or for evil, and is worthy of most serious attention.

Do the visible results of such an efficient universal agency correspond to what we might suppose to be its most judicious working? If it be right to apply to the administrators of religion the test, "by their fruits ye shall know them," we must surely be compelled to acknowledge some great and mournful defect or error in their administration. In the words of an American traveller, when visiting Europe, we assert that "there is an amazing insensibility in the world to the spiritual character of Christianity, which seems to require some special reasons to account for it. And bad as the case is in America, it seems to be considerably worse in this country [England.] Whoever shall visit this, the most

“religious nation in Europe, will find an acknowledged
“*neglect of religion and laxity of morals among the higher*
“*classes, an acknowledged ignorance of religion and inatten-*
“*tion to its rites among the lower classes; yes, and an ac-*
“*knowledge coldness and mercenary spirit among many of*
“the established clergy of this country, that will fill his mind
“with painful emotions, if not with painful questions.”

Miss Martineau mentions the case of a clergyman from one of the southern states of the Union, who complained that during all the years of his ministry no token had reached him that he had impressed the minds of his flock, more or less. He did not know that any one discourse had affected them more than any other. Now, we will answer for it, this case describes the situation of some thousand preachers in this country. They preach on from year to year, without any sensible effect. The fault, we apprehend, lies here, that they proceed upon a wrong principle,—a principle, however, almost universally adopted,—that sermons, pulpits, priests, all the active agents that are labouring, or in any way concerned in the service of religion, are, by the nature of their objects and vocation, severed from the great mass of human actions and interests. The evil lies in a superstition, to use the words of an American preacher, “of believing that religion is something else than goodness.” From this it arises that religious goodness is separated from active personal and social goodness. Pulpit-oratory has been too exclusively employed in speculations on the world to come, and on abstract principles of belief which are to carry us thither, losing sight meanwhile of our world of actual existence, when it is only by a proper discharge of the duties which the latter, in its manifold relations, throws in our way, that we can reasonably hope to enjoy the blessedness of the former. The question is, are we justified in believing *à priori* that men in general, by frequenting places of worship, become wiser and better? are they more informed as to the duties which they owe to one another, to society, and to themselves? and is the way to ascertain those duties cleared and facilitated for them by the ministrations of the pulpit? Are they instructed in what manner the performance of such and such moral obligations, and the avoidance of such and such errors, will tend

to bring about a happier state of being, both as regards the community to which they belong, and themselves individually? As applicable to the general case, (there are no doubt many exceptions,) we have no hesitation in answering these questions in the negative. Let not clergymen, then, complain of the indifference of the people to their discourses;—the fault is in their own system. The pulpit is not—no, not in any country—answering the call which the human heart has a right to make upon it, and which the awakened mind of the world is now making with double earnestness. The efficiency of the priesthood, as it exists, is not commensurate with its power.

In past times the prevalent modes and system of teaching Christianity had a certain adaptation to the ignorance, the barbarism, the low state of morals, and the perverted condition of society existing contemporaneously with them. They were some restraint upon vice. They taught man to think himself something more than a mere perishing animal. They had their mission and their day. But the time for those systems seems past or passing away. All great changes in the features or constitution of society brought on by the general progress of the human intellect, must be accompanied with a correspondent advance in religious knowledge, and the modes of its tuition and application. Changes are coming fast upon the world. In the violent struggle of opposite interests, the decaying links which have bound men together in the old forms of society, are snapping asunder one after another. Must we look forward to a hopeless succession of evils, in which exasperated parties will be alternately victors and victims, till all sink under some one power whose interest it is to preserve a quiet despotism? Who can hope for a better result, unless the great lesson be learnt, that there can be no essential improvement in the condition of society without the improvement of men as moral and religious beings; and how can this be effected but by the adaptation of religious truths to the wants of the age?

It would seem from the practice being so universal, that the duty of a minister of religion is held to be indispensably bound up in giving his sentiments once or twice a week upon some passage of Scripture, often chosen at random from

the Old or New Testament; a practice that elicited the ridicule of Voltaire, and not, perhaps, without some show of justification. The late Mrs. Barbauld, in her able remarks upon Gilbert Wakefield's pamphlet relative to social worship, notices this custom, and attributes to it in a great measure the vague and desultory manner in which the doctrines of religion are taught. She very justly observes, that a congregation may attend for years, even a good preacher, and never hear the evidences of either natural or revealed religion regularly explained to them: they may attend for years, and never hear a *connected* system of moral duties extending to the different situations and relations of life. This custom of prefixing to every pulpit discourse a sentence taken indiscriminately from any part of the Scriptures, under the name of a text, while it serves to supersede a more methodical course of instruction, tends to keep up in the minds of the generality of hearers, a very superstitious idea of the equal sacredness and importance of every part of so miscellaneous a collection. If these insulated discourses, of which each is complete in itself and therefore can have but little compass, were digested into a regular plan of lectures, supported by a course of reading, to which the audience might be directed, it would have the further advantage of rousing the inattentive, and restraining the rambling hearer, by the interest which would be created by such a connected series of information. She further suggests, that it might be desirable to join to religious information some instruction in the laws of our country, which are, or ought to be, founded upon morals, and which by a strange solecism are obligatory upon all, and yet scarcely promulgated, much less explained.

The office of ministers of religion has hitherto been regarded as nearly confined, in their teaching capacity, to the expounding of the Bible. Now the Bible, it is true, contains a collection of the most important records in the history of man; and, in a general way, there cannot be a more suitable or authoritative rallying point around which we may gather to reap high religious impressions and a deep sense of duty. But it does not comprehend the *whole* history of man, nor does it contain all the abstract truths in reference to the human race which it is necessary to know. So that a thorough

acquaintance with the Bible in every respect ought not to be regarded as identical with a thorough accomplishment for pulpit teaching, any more than we are to suppose that Isaiah and the other prophets would have been mentally and educationally accomplished for their work, by being perfectly acquainted with the laws and institutions of Moses, instead of, —though first indeed thoroughly imbued with these,—knowing besides fully and deeply the wants of their nation at that time; the movings to and fro; the vices, errors, powers, tendencies, prospects of their race. When the Bible shall be studied as history; when men have learnt not only the facts and principles contained in it, but also to distinguish which of those facts in their consequences, and which of those principles in their application, are local and transient, which are universal and permanent,—then will criticism have accomplished its useful and philanthropic work. The study and knowledge of the Bible, of all that is really and lastingly important in it, will be as simple as it is now complex. Pulpit eloquence will then exert over us a living, active, practical power, entering into the very home of our hearts and the realities of our being. The object of a Christian minister we believe to be the formation of a high and holy character in the people. For this purpose he should not hesitate to deal with all the influences and occurrences, the institutions and events, the connexions and relations of society that can bear on the formation of character. No fact of importance to this object in man's moral, physical, or social being should be looked upon by him as foreign or extraneous.

In thus stating what appear some of the most serious defects in the present system of pulpit teaching, and suggesting a course of proceeding whereby they may be remedied, and the sacred function rendered most available for its lofty purposes of good, let it not be supposed that we forget that the pulpit has to deal also with topics and questions of duty that go down to the depths of the human heart,—with faith and love, repentance and self-denial, and disinterestedness,—and that its principal business is thus to make the fountain pure. Let it not be thought that we esteem of secondary importance the propagation of correct notions respecting the character of the Supreme Being, the mission, life and character of Christ,

and the aim, object and operation of his religion,—its hopes and promises; everything, in short, that appertains to the general idea of what constitutes the duty and privilege of a true Christian minister. Religion, however, has an outward form as well as an inward spirit; that form is the whole lawful action of life; and it is only where the preacher is sufficiently persuaded of this, and his convictions and exertions centre in a joint attention to both, that, in our opinion, the duties of his office can be fully, satisfactorily and beneficially discharged. At the same time it must be admitted, that to regard this manifestation as a *sine quâ non* in a fair estimate of religious eloquence,—to undervalue the labours of those who have not observed this combined attention merely because they have not observed it, would go to disparage on very insufficient, if not fanciful grounds, some of the most useful and eminent of Christian discourses. It is seldom, indeed, hitherto that the preacher has acted upon, if he has recognised this twofold aspect in the field of religious speculation.

When Dr. Channing's works first made their appearance in this country, all kind-hearted and clear-headed men welcomed them as a treasury of noble and elevating thoughts, both on the religious and secular topics of which they treat; thoughts too clothed in a soul-stirring eloquence of diction, and bearing the impress in every page of a sincerity, earnestness, simplicity and benevolence that had before been indicated in the productions of no modern divine. These works grew quickly into popularity. They have since gone on increasing in celebrity, their number and value being occasionally augmented by fresh contributions from the gifted author, as the edition prefixed to our present remarks amply testifies. And all this because they speak in a manner and spirit never previously manifested to the wants—the moral and spiritual wants—of the present and rising generation. The more thinking portion of the world had grown tired of the jargon they were accustomed to hear from the ordinary pulpits. There was a change wanting both in the sentiment and diction of religious discourses. Some collateral and kindred agencies of intellectual instruction and delight had already presented themselves to the sensibilities of men under a new phase of beauty and attractiveness, as poetry, for in-

stance, and some fresh ones may be said to have started into existence. The progress of mind had brought on these changes and creations; and why should not the same influence extend to the higher departments of thought and study immediately connected with the most spiritual, sanctifying and paramount of human relations? To an age become indifferent to religion—an age that has been most aptly described as “destitute of faith, yet terrified at scepticism,” the writings and discourses of Channing came as a quickening and refreshing stimulus. Many a perturbed and forlorn spirit, grown disgusted with the thousand times reiterated inanities of the ordinary pulpits, felt reconciled and invigorated, “listened awhile to the voice of the charmer,” and betook himself to the once forsaken though now recovered paths of Christianity. To such it was like the opening of a new æra, the dawn of a more propitious day on the world of theology. Those who, spiritually, had fallen as it were into the darkness and shadow of death, now opened their eyes upon scenes of intellectual and moral beauty, lit up with heavenly radiance, that had never before been presented to their mental vision.

In the hands of the customary dispensers of pulpit instruction, in the Old World especially, religion, we repeat, had come to be regarded by some of the more intelligent as a *dull* affair; if not as a mere form or fallacy, yet as a mere system of belief ending in vanity and vexation of spirit. Where it was looked upon as something more, it had been rendered, through a vicious instrumentality, of a sombre and forbidding aspect, asceticism being its chief characteristic, as indeed it continues in a great measure to be. For philosophical minds it was time for an earnest enforcement of its sanctions upon more rational principles. Its administrators had not kept pace with the better portion of the people; in a comparison of their relative position with that of their clerical predecessors, there was and is an evident declension. They were not just types of the better kind of religious feeling of their age. There were no Jeremy Taylors, nor Barrows, nor Halls, nor Tillotsons adapted to the times. The world's advancement in physical science, and in some departments of intellectual and moral, possessed fitting representatives in the eminent living names that had devoted

themselves respectively to such pursuits ; but the province of sacred science was destitute of its adequate exponents, not only in establishments, but among sectarian bodies. In this dearth of true religious teachers, Dr. Channing came forth as an incarnation of the intellectual spirit of Christianity,—a shape indeed alone suited to win the confidence and reverence of his contemporaries most worthy of especial care, and to become their religious “guide, philosopher and friend.” He came as the apostle of perfect religious freedom, to shake off the trammels of sectarianism, to annihilate the formality and rigour of creeds, and to induce others, like himself, “to stand “under the open sky in the broad light, looking far and “wide, seeing with their own eyes, hearing with their own “ears, and following truth meekly but resolutely, however “arduous or solitary be the path to which she leads.”

Most of the religious publications of the day were pre-eminently dull, vapid, commonplace. The very topic which of all others is most entitled by its importance to claim the writer's whole strength of thought and feeling, connected as it is with our noblest faculties, to which understanding, reason, imagination and taste should consecrate their loftiest efforts, was, of all subjects, treated most feebly, tamely and even repulsively. Some splendid exceptions there might be ; but in general, modern theological writers had so monotonously followed in the long-trodden paths,—the professed explorers of religious truths had planted their footsteps so exactly in the track of their predecessors, as might occasion wonder that so illimitable a field for excursion should not have tempted some adventurous spirit from the beaten way, were we unmindful of the vassalage which has so long broken down the mind in the department of theology. The state of theological publication at this period, in reference to this country and Germany, is thus described by an American writer :

“In England,” he says, “the science of theology, so far as it is connected with revealed religion, has fallen into general neglect. Of those who treat its subjects, few deserve a hearing, and the few who deserve cannot obtain it. A few professedly learned works have of late appeared ; but for the most part they are mere compilations, made without judgement and accuracy, and conformed to the creed of the Church. There have been some bulky republications of old divines little suited to the wants of the age. Most other religious works that appear are evidently intended only

for the 'religious public'; a phrase that has become familiar, and marks in some degree the character of the times. Should they pass beyond this narrow circle, they would, I fear, contribute nothing to render Christianity more respected. A very different class of writers is required to assert for religion its true character and authority. In Germany there is a large body of theologians, of whom the most eminent have been able and learned critics. They have thrown much light upon the history, language and contents of the books of the Old and New Testament. They have released themselves from the thralldom of traditionary errors. But they have, in many cases, substituted for these errors the most extravagant speculations of their own. Nor, with some exceptions, does the power of Christianity show itself in their writings."

In the history of religious literature a remarkable falling off appears in its higher manifestations of power and originality as we approach the present period from the days of the eminent divines of the Restoration. That there has not been wanting in the English church an abundant display of talent in various forms and directions will not be denied. Among the clergy of the Establishment there have been many profound and elegant scholars, well versed in ancient learning, proficient in the *belles-lettres*, discoverers in physical philosophy; but to moral and religious science they have been scanty and inefficient contributors. No department of intellectual exertion has suffered so much from the disregard of its professed cultivators. Since the age of Barrow and Taylor there has been no popular writer or preacher upon Christian ethics, systematically, or in the shape of discourses, in this country, who has decidedly carried forward the human intellect; who has given a new impulse to thought, carrying away with him the heart of the reader, creating there fresh life and energy and zeal, and opening new and higher views of gospel light by the power of his eloquence, the beauty of his sentiments, the cogency of his arguments. As for Bishop Butler, though he is worthy to be enrolled among the master minds of the human race, yet his obscure and cramped style of writing, besides the abstract, metaphysical cast of his moral speculations, precludes his being considered as an exception to our position, notwithstanding the retrieving character of a few of his sermons. Similar reasons might be adduced for placing Dr. Clarke in the same category. Several other divines of the English church, who have obtained considerable celebrity, added, in fact, little or nothing to the stock of religious sci-

ence which they received. Paley is looked upon by some as a great name; what he did see he saw with clearness, but his view was too circumscribed and partial; he was devoid of the intellectual thirst and energy requisite for enlarged conquests in the regions of Christian philosophy. He had no irrepres-sible desire to sound the depths of his own nature, or to ascend to wide and all-reconciling views of the works and ways of God. His sermons are remarkable for their plain and strong expositions of duty, and their awakening appeals to the conscience, rather than for their sway over the heart, or their exhibitions of the moral beauty of Christianity. Still it would be unjust not to admit, in passing, that on the important topic of the Christian evidences, he has laboured to good purpose, and that his *Horæ Paulinæ* possesses considerable originality of idea, as well as novelty of interest. Many chapters of his Natural Theology, particularly that on the Goodness of the Deity, are eminently entitled to the best attention of all, from the high character of the ground on which the argument is based.

But not to the English church alone do we look for proof of the barrenness of theological literature, and of the unproductive-ness of the intellect in religion; the protestant sects supply it as well.

Besides the late Robert Hall—a great man certainly—there have been but few popular preachers or writers among the dissenters, in whose works or pulpit ministrations we recognise religion as cooperating with the high philosophy of man for enlightened practical purposes of society; and even his genius cannot claim credit for having done more than made the best of the position he occupied within a restricted sphere of religious belief and meditation. His superiority consists in the energy, and marshaling and garniture of his thoughts, rather than in their intrinsic nature and essence. He does not dive into the depths of his own consciousness, and, thence evoking holy and elevating views of human nature, perceive at once and intuitively as it were, their reconciliation with revelation in modes of moral grandeur and beauty heretofore unrecognised.

Considering the restraints under which the mind has been bound down for ages in respect to all inquiries involving the

essential character of the religion of Christians,—reflecting that for so long a period there has existed a prescribed field for theological speculation, beyond which it was not allowable to trespass,—that the inquirer might change his position within that sphere as he liked, but was permitted to break up no fresh ground, nor to pass the consecrated boundary, on pain of *maran-atha*, considering these things we need not wonder at the results we witness. Freedom is essential to the progress and efficacy of whatsoever department of thought or inquiry the mind is engaged upon. The mischievous effects of this intellectual bondage are as yet but imperfectly known, and need to be set forth with a new eloquence.

“ If,” says Channing, “ progress be the supreme law of the soul, and the very aim of its creation, then no wrong can be inflicted on it so grievous, as to bind it down everlastingly to a fixed, unvarying creed, especially if this creed was framed in an age of darkness, crime, and political and religious strife. This tyranny is pre-eminently treason against human nature. If growth be the supreme law and purpose of the mind, then the very truth which was suited to one age, may, if made the limit of future ones, become a positive evil; just as the garment in which childhood sports with ease and joy, would irritate and deform the enlarging frame. God, having framed the soul for expansion, has placed it in the midst of an unlimited universe, to receive fresh impulses and impressions without end; and man ‘dressed in a little brief authority’, would sever it from this sublime connexion, and would shape it after his own ignorance or narrow views. The effects are as necessary as they are mournful. The mind, in proportion as it is cut off from free communication with nature, with revelation, with God, with itself, loses its life, just as the body droops when debarred from the fresh and the cheering light of heaven. Its vision is contracted, its energies blighted, its movements constrained. It finds health only in action. It is perfect, only in as far as it is self-formed. Let us not be misapprehended. We mean not to deny that the mind needs the aid of human instruction, from the cradle to the grave; but this it needs as a material to act upon, and not as a lesson to be mechanically learned. The great aim of instruction should be, to give the mind the consciousness and free use of its own powers. The less of instruction the better, if it only propose to engender a slavish dependence and an inert faith. The soul often owes its best acquisitions to itself. They come to it from glimpses of its own nature, which it cannot trace to human teaching, from the whispers of a divine voice, from stirrings and aspirations of its own unfolding and unbounded energies, from the indistinct dawning of new truths, or from the sudden brightening of old truths, which, if left to act freely, work a mighty revolution within. Against these inspirations, if so they may be called, which belong to the individual, and which are perpetually bursting the limits of received ideas, the spirit of religious tyranny wages

its chief and most unrelenting war. It dreads nothing so much as a mind in which these diviner notions manifest themselves in power. That it should have so succeeded in checking and stifling them, is one of the very mournful reflections forced on us by human history. We have here one great cause of the sterility of theological literature. Religion, by being imposed as a yoke, has subdued the faculties, which it was meant to quicken; and, what is most worthy of remark, like all other yokes, it has often excited a mad resistance, which has sought compensation for past restraints in licentiousness, and disgraced the holy name of freedom, by attaching it to impiety and shameless excess."

One effect, above all others to be regretted, of this binding on the intellect a "burden grievous to be borne", is, that modern European literature has separated itself from Christianity. The most popular English poet of his day, once the object of such passionate admiration, appeared, a writer, under every aspect the most adverse to the Christian character; yet the time has been, when his tide of fashion was at its height, that one could hardly remark upon his immorality without being exposed to the charge of narrowmindedness or hypocrisy. A writer in *Blackwood's Magazine* for February, 1830, (p. 417) fresh from the perusal of his life by Moore, speaks of Byron, as having been throughout his whole course "a noble being", "*morally and intellectually*" as all but "the base and blind" must feel. The patriarch of German literature not long ago left the world amid a general chorus of applause from his countrymen, to which a dissentient voice has for some time scarcely been tolerated among them. His popularity may be compared with that which Voltaire enjoyed in France during the last century. There may be different opinions respecting his genius. In whatever other respects he might be superior, he had nothing of the brilliant wit of Voltaire, nor of his keenness of remark; and nothing of the truly honest zeal in the cause of humanity, which is sometimes discovered by that clever but inconsistent writer. No generous sentiment ever prompted Goethe to place himself in imprudent opposition to any misuse of power. The principles which are the foundation of virtue and happiness were to him as though they were not. His strongest sympathies were not with the higher feelings of our nature. In his mind Christianity was on a level with the Pagan mythology, except as being of a harsher and gloomier character,

and possessing less poetical beauty. In a scene, intended to be ludicrous, in the prologue to his "Faust", he introduces the Supreme Being as one of his *dramatis personæ* with about the same reverence as Lucian shows towards Jupiter. In his most celebrated works you seldom or never meet with the strong, heartfelt expression of a high moral truth or noble sentiment.

An absence of religious principle and belief, similar to that which has of late years characterized so much of the popular literature of the day, appears in the speculations of several men of high intellectual endowments. And what is remarkable is, that the productions of some of these philosophers have been received by the most able and popular of our contemporaries, with scarcely a remark upon the fact that their speculations conducted directly to the dreary gulf of utter scepticism. In a large proportion of writings which touch upon the higher topics of philosophy, we perceive more or less disbelief or disregard of what a Christian must consider as the great truths of religion. No one can read without interest the work which, just as he was terminating his brilliant career, Sir Humphry Davy left as a legacy, containing the last thoughts of a philosopher. Yet in this work, written as life was fast receding, instead of the Christian doctrine of the immortality of the conscious individual, we find that his imagination rested on a dream, borrowed from Pagan philosophy, of the pre-existence and future glories of the thinking principle, assuming new modes of being without memory of the past. It is not merely to the appearance of such speculations that we are to look as characteristic of the age, but to the fact that their publication excites so little attention, that they blend so readily, so much as a matter of course, with the prevailing tone of its literature.

During this state of the religious influences, not only on the general intellect but on the better order of minds, the works of Channing were first published. He appeared among us, not personally it is true, but by that faithful representative, the press, as a religious and moral regenerator, not unlike Schleiermacher in Germany, or Barbieri in Italy, only with a more effective universality of purpose. He came as the expounder of the intellectual tendencies and the

moral influences of Christianity. He appealed both to the reason and the feelings, and with that equipoise of truthful earnestness best calculated to guard against fanaticism on the one hand, or dry cold rationalism on the other. He aims at exalting the religious feeling through enlightening and strengthening the understanding. Little or nothing of this had ever been done by previous divines, at least with anything like the ability and efficiency that the subject is worthy of. The prevalent theology tended to contravene and degrade the strongest and most sacred of the intellectual faculties, and thus expose the mind to the worst delusions. Some of its advocates had even recommended "the prostration of the understanding" as preparatory to its reception. The history of the Church is the best comment on the effects of this system; but Dr. Channing has so admirably explained how injury must necessarily accrue to religion when reason is divorced from it, that we shall extract his words.

"The human soul has a unity. Its various faculties are adapted to one another. One life pervades it; and its beauty, strength, and growth, depend on nothing so much, as on the harmony and joint action of all its principles. To wound and degrade it in any of its powers, and especially in the noble and distinguishing power of reason, is to inflict on it universal injury. No notion is more false, than that the heart is to thrive by dwarfing the intellect; that perplexing doctrines are the best food of piety; that religion flourishes most luxuriantly in mists and darkness. Reason was given for God as its great object; and for him it should be kept sacred, invigorated, clarified, protected from human usurpation, and inspired with a meek self-reverence."

He then goes on to state the salutary working of the joint action of feeling and reason and religion.

"The soul never acts so effectually or joyfully, as when all its powers and affections conspire; as when thought and feeling, reason and sensibility, are called forth together by one great and kindling object. It will never devote itself to God with its whole energy, whilst its guiding faculty sees in him a being to shock and confound it. We want a harmony in our inward nature. We want a piety, which will join light and fervour, and on which the intellectual power will look benignantly. We want religion to be so exhibited, that, in the clearest moments of the intellect, its signatures of truth will grow brighter; that instead of tottering, it will gather strength and stability from the progress of the human mind."

Dr. Channing urges with peculiar force and eloquence, the propriety of regarding as tributary to the sacred cause every

element of beauty, grandeur and loveliness, within the range of human perceptions and relations. The appearances of nature, the products of art, the discoveries of science, the events of history, the monitions of experience, all are made subservient to the primary object for which Christianity was given, namely, the present as well as ultimate happiness of the human race. And as this advantage can be insured—this subserviency gained, only in proportion to the development and culture of the mental faculties, so these become with him a material topic of regard. He enforces with great earnestness that, towards the realization of *all* the good at which the Christian system aims, the higher the measure of intelligent and mental cultivation, the greater will be the certainty of it to be derived from the various physical and moral phenomena of which the mind is capable of taking cognizance.

The amiable and profitable light in which he contemplates the grand design of the religion of Christ may be stated in his own words :

“ I see everywhere in Christianity, this great design of liberating and enlarging the human mind, on which I have enlarged. I see in it nothing of narrowing or depressing, nothing of the littleness of the systems which hate, fear, and craft, and ambition have engendered. I meet there no minute legislation, no descending to precise detail, no arbitrary injunctions, no yoke of ceremonies, no outward religion. Everything breathes freedom, liberal enlargement. I meet there, not a formal rigid creed, binding on the intellect, through all ages, the mechanical, passive repetition of the same words and the same ideas ; but I meet a few grand, all-comprehending truths which are given to the soul, to be developed and applied by itself ; given it as seed to the sower, to be cherished and expanded by its own thought, love, and obedience into more and more glorious fruits of wisdom and virtue. I see it everywhere inculcating an enlarged spirit of piety and philanthropy, leaving each of us to manifest this spirit according to the monitions of his individual conscience. I hear it everywhere calling the soul to freedom and power, by calling it to guard against the senses, the passions, the appetites through which it is chained, enfeebled, destroyed. I see it everywhere aiming to give the mind power over the outward world, to make it superior to events, to suffering, to material nature, to persecution, to death. I see it everywhere aiming to give the mind power over itself, to invest it with inward sovereignty, to call forth within us a mighty energy for our own elevation. I meet in Christianity only discoveries of the vast, bold, immutable character : fitted and designed to give energy and expansion to the soul.”

This appears to be the only way to bring intelligent, reflecting, well-disposed minds to the belief and love of Christ.

tianity; and, if they had been previously alienated from it, to cause them to revert and be reconciled to it. For this purpose too, nothing is so likely as adopting a frank, open, manly course of dealing; and this Dr. Channing does. He points out the real causes of infidelity with much clearness and candour, at the same time that he conciliates the best feelings and convictions in behalf of an injured and oppressed cause. He exhibits a single-mindedness of purpose, whose sole aim is the glory of religion in elevating and blessing humanity by its close indissoluble union with morality. He has no sectarianism about him: his object is the genuine unconditional emancipation from spiritual bondage, the true deliverance of the mind into the "glorious liberty" of unshackled, far-reaching, progressive thought.

If the popular mind of this country were as much bent upon religious as upon political reforms, we should doubtless witness more decided and manifest results from the dissemination of Channing's works. As it is, however, the benefits conferred cannot be few or small. We cannot but imagine that some fruits of his benevolent labours are to be recognised in the improving tone and spirit of our literature. There is a growing partiality for works appealing to the nobler and more amiable sensibilities of our nature. That there is this tendency towards a more moral and philosophical tone in literature is evidenced, we think, even by the growing demand for any fresh production from Dr. Channing's pen; we might instance in proof, the edition of his works prefixed to this article, as well as the very extensive sale of the little tract recently published by him on *Self-Culture*. And this tends to strengthen our position, that his genius helped largely to originate this tendency. Be this as it may, it is palpable that in respect of a change in religious and moral thought there is an under-current of opinion secretly working its way, that will seclude itself only until a fitting opportunity favours its gushing forth into light. Whether the works of Channing could have originated of themselves such sentiments, is a comparatively unimportant question, (phenomena of this kind generally owe their origin to a complication of causes,) it is sufficient for our purpose that his works have been especially influential in promoting, directing and strengthening

the popular tendency; enough that his elevated views of man's spiritual destiny correspond with, and expound the genuine religious feelings of those minds that are appointed to become the moral directors of their countrymen, at an unusual crisis of social, political and religious conflict.

The success of Dr. Channing, whose mission, as we have seen, consists mainly and peculiarly in throwing new and invigorating light upon the spiritual character of the Christian system, or rather in unfolding to us in a manner hitherto unattempted the real and proper nature of that spirituality, has been followed up in a more practical way, not only by some American preachers, but also by a few in our own country. Our business, however, now is with American preachers.

The Rev. Orville Dewey is not unknown to the English public as the author of a work styled "*The Old World and the New*," being a journal of reflections and observations made on a tour in Europe during the years 1833 and 1834. It would conduce much to the strength of the clerical character and to the worth and efficiency of their pulpit labours, were clergymen in general to travel, and to travel to the purpose that Mr. Dewey appears to have done; that is, to avail themselves of the knowledge thus gained in the discharge of their important function. In the discourses standing second at the head of this article, which will presently come under examination, there are many fine passages relevant to this remark, many palpable and glowing proofs of the vantage-ground on which every such traveller stands for surveying the institutions, customs and character of his own country. And in proportion to the general freedom of those institutions will, of course, be the greatness of that advantage.

But before entering upon the merits of Mr. Dewey as a pulpit orator, it may be fitting to take a brief survey of the state of religion and its administrators in America. We shall thus be better enabled to judge of the position in which Mr. Dewey stands; what is his superiority over his clerical brethren in the possession of those attributes which go to form a properly-qualified minister; and how he excels the generality of them in moral courage, in manliness and frankness, in the perception of the people's religious wants.

and in bursting through the restraints by which others submit to be trammelled, in deference to public opinion that, in the republic, it appears, operates as a check to freedom of speech, in the case of ministers of religion, with a force as great or greater than it exerts in some other directions.

All close observers of American manners agree in the fact of this subserviency in respect of political and social matters. Its prevalence in regard to religion is noticed, and the evil consequences thereof described with much force by Miss Martineau and Mr. Dewey. One main cause of it appears to lie in a perversion of views respecting the nature of the pastoral office, existing in a large portion of the people as well as in the ministers themselves. Hence it happens, in the first place, that the American clergy are treated in a manner not befitting their calling. They are seldom or never consulted by the religious communities around them. Where their advice is most needed,—upon questions of doubtful religious wisdom or propriety,—all resort to them is especially avoided. They are regarded in too degrading a light; looked upon as a sort of people between men and women, and consequently they are deprived unjustly of that influence that men exert by their individual characters and convictions. Their character is comparatively uninfluential from its being supposed professional. In proof of this, Miss Martineau in her "*Society in America*," instances the case of a minister who "preached, a few years ago, against discount and high prices in times of scarcity. The merchants of his flock went away laughing; and the pastor has never got over it. The merchants speak of him as a very holy man, and esteem his services highly for keeping their wives, children, and domestics in strict religious order; but in preaching to themselves he has been preaching to the winds ever since that day."

On the other hand, the clergy themselves are not exempt from blame. For while society in America is as much in a state of religious transition as France and England are of political, they are willing to keep themselves aloof from the arena of contending principles, and take no part against those things of which they disapprove. They seek to pass quietly through the world; and take care to offend as little

as possible the religious prejudices of their times; they say as little and do as little as possible, openly, to withstand the sweeping tide of popular opinions and practices. As a body, the American clergy are timid, backward, time-serving; self-exiled from the great moral questions of the time; moreover, they have persuaded themselves that it is not the duty of their office to bring disturbing questions before their people. They avoid, for the most part, in the pulpit, the subject of human right and of social anomalies. So that even while society there is going through a great moral revolution, the clergy, even the most liberal, are some pitying and some ridiculing the apostles of the revolution; preaching spiritualism, learning, speculation; advocating third and fourth-rate objects of human exertion and amelioration, and leaving it to the laity to carry out the first and pressing moral reform of the age. They are blind to their noble mission of enlightening and guiding the moral sentiments of society in its greatest crisis.

There are, indeed, excellent exceptions to this general description of the clergy of the United States; men, too few though they be, who are determined to disengage themselves, at whatever risk, from the shackles which popular opinion might seek to impose upon them; who see the urgent necessity of carrying religion into what is most practically important, and of meeting the emergency of the times; and who altogether discard the unwarrantable notion that the people cannot yet bear many things in which the flocks have already outstripped the pastors. Among these, Mr. Dewey has the honour of ranking as one of the foremost, (though, as regards the "slavery question," he is not ostensibly an abolitionist;) he has the sagacity to perceive that while the clergy should feel the legitimate and wholesome-effect of public opinion, they should not be restrained from their just liberty, whether of speech, manners, or modes of life. There is nothing which he so much dreads from the operation of the political and religious institutions of his country, as the subserviency of the best minds in it to the worst minds; the subserviency of men of talents, education and refinement to mere numbers. It is desirable that the many should influence the few, but it is not desirable that it

should enslave them. Subserviency is to be deprecated, not deference to the people. The latter is just and reasonable, and safe for both parties. The former, the subjection of a superior mind to popular control, only makes its sagacity more dangerous.

It is natural to suppose that throughout the Union the most cultivated and intelligent are generally the most liberal minds. Are these to be kept in an isolated position? Can society, without danger, exclude from among its guiding lights the best minds that are in it? There is enough doubtless, of sober and cultivated thought among them, if it could be gathered from its various religious circles into one mass of public opinion,—if it could be induced to speak out,—to hold in complete check all the religious extravagance and fanaticism of the country. There are men that can *produce* that state of religious opinion and action which they profess to desire. Mr. Dewey has the good sense to see and confess all this, and comes forth to make the experiment of bold, fair and open dealing with his hearers, at whatever sacrifice of his ease and comfort it may be. He is justly sensible that every minister of religion ought to speak those truths concerning his country and his race, which from his conscience he believes to be of deepest import to them: that in doing so, he is bound to nothing but seriously-entertained and carefully-matured convictions: that with what is received he has nothing to do, except as a fact, as a phenomenon, worthy however of his most serious reflection; for his business is with truth, not with system, whether received or rejected. Under the influence of this persuasion he regards his office in its noblest aspects and most important relations, and then that sphere which has been hitherto regarded as so narrow, becomes to him most wide and comprehensive! Science, morals, metaphysics, political œconomy, social and political relations furnish their facts and principles for him,—supply him with *matériel* for more thoroughly making out and more successfully enforcing the reality of human duty, the bliss of virtue, the wisdom of obedience to those laws of our constitution, whether moral or material, whether human or individual, which such extended analysis and investigation gloriously unfold and fully substantiate.

In perusing the "Moral Views" of Mr. Dewey on commerce, society and politics of his countrymen, we were reminded of the remark said to have been made by Louis XIV. to Massillon, after hearing him preach at Versailles: "Father, I have heard many great orators in this chapel; I have been highly pleased with them; but for you, whenever I hear you, I go away displeased with myself; for I am more of my own character." This has been considered the finest encomium ever bestowed upon a preacher. We should be disposed to think that Mr. Dewey's eloquence may have sometimes placed his hearers in a predicament similar to that of the French monarch. It must have frequently brought their own character vividly before them. With extraordinary force and brilliancy of style, and great earnestness of thinking and intenseness of feeling, he unites a truth in his delineations of the national character that must have astonished and moved his audience.

His disclosures of many actual anomalies of American society, and of their vicious tendencies, unless corrected and guided by a right moral principle, confirm in a remarkable manner some speculations of the most philosophical inquirers into the social organization of the Americans, such as De Tocqueville, Miss Martineau, etc.; and we cannot but admire the fearlessness of the preacher who lays bare before his countrymen those national faults and blemishes, concerning which, when handled by foreigners, they are so morbidly sensitive; who points the attention of a commercial audience to the false reasonings and immoral practices which are to be found in every seat of commerce, and are alleged to be of discreditable frequency in the American emporium of trade where these lectures were delivered.

The volume consists of discourses on the moral law of contracts; the moral end of business; the uses of labour, and the passion for a fortune; the moral limits of accumulation; the natural and artificial relations of society; the moral evils to which American society is exposed; associations; social ambition; the place which education and religion must have in the improvement of society; war; political morality; the blessing of freedom.

In his discourse on the moral end of business, Mr. Dewey

thus pointedly deals with him who is anxious only for the heaping up of property.

"Who is this being that labours for nothing but property, with no thought beyond it; with the feeling that nothing will do without it. with the feeling that there are no ends in life that can satisfy him if that end is not gained? You will not tell me that it is a being of my own fancy. You have probably known such: perhaps some of you are such. I have known men of this way of thinking, and men, too, of sense and of amiable temper.

"Who then, I ask again, is this being? He is an immortal being: and his views ought to stretch themselves to eternity—ought to seek an ever-expanding good. And this being, so immortal in his nature, so infinite in faculties,—to what is he looking? To the sublime mountain range that spreads along the horizon of this world? To the glorious host of glittering stars, the majestic train of night, the infinite regions of heaven? No,—his is no upward gaze, no wide vision of the world—to a speck of earthly dust he is looking. He might lift his eye—a philosophic eye—to the magnificence of the universe for an object; and upon what is it fixed? Upon the molehill beneath his feet! that is his end. Everything is nought if that is gone. He is an immortal being, I repeat: he may be enrobed in that vesture of light, of virtue, which never shall decay; and he is to live through such ages, that the time shall come when to his eye all the splendours of fortune, of gilded palace and gorgeous equipage, shall be no more than the spangle that falls from a royal robe. and yet in that glittering particle of earthly dust is his soul absorbed and bound up. * * * And yet he is an immortal being, I repeat, and he is sent into this world on an errand. What errand? What is the great mission on which the Master of life hath sent him here? To get riches? To amass gold coins and bank-notes?—to scrape together a little of the dust of this earth, and then to lie down upon it and embrace it in the indolence of enjoyment, or in the rapture of possession? Is such worldliness possible? Worldliness! why it is not worldliness: that should be the quality of being attached to a world—to all that it can give, and not to one thing only that it can give,—to fame, to power, to moral power, to influence, to the admiration of the world. Worldliness, methinks, should be something greater than men make it,—should stretch itself out to the breadth of the great globe, and not wind itself up like a worm in the web of selfish possession. If I must be worldly, let me have the worldliness of Alexander, and not of Croesus. And wealth, too—I had thought it was a means and not an end—an instrument which a noble human being handles, and not a heap of shining dust in which he buries himself; something that a man could drop from his hand, and still be a man—be all that ever he was—and compass all the noble ends that pertain to a human being. What if you be poor? Are you not still a man? Oh, heaven! and mayest be a spirit, and have a universe of spiritual possessions for your treasure. What if you be poor? You may still walk through the world in freedom and in joy; you may still tread the glorious path of virtue; you may still win the bright prize of immortality; you may still achieve purposes on earth that constitute all the glory of earth, and ends in

heaven, that constitute all the glory of heaven. Nay, if such must be the effect of wealth, I would say, let me be poor: I would pray God that I might be poor: rather, and more wisely ought I, perhaps, to say with Agur, 'give me neither poverty nor riches; lest I be full and deny thee, and say, who is the Lord? or lest I be poor, and steal, and take the name of my God in vain.'"—pages 61—63.

The third discourse proceeds upon the postulate that the law of human industry,—the application of the manual and mental powers to some task, to the achievement of some result, lies at the foundation of all human improvement,—that labour is man's great function, his distinction and privilege, and consequently that nothing is more unnatural and intolerable to him than idleness. How vain and foolish then is a man in his eager passion for making a fortune in a short time, to be sacrificing all the proper ends of life, for something to be enjoyed twenty years hence, an opportunity that may probably never arrive to him; and if it does come, the mind, infallibly carrying with it the habits formed during the turmoil of acquisition, and those only, will not meet with the enjoyment it had anticipated in the sudden change from activity to indolent repose, and all just mental culture previously neglected.

In connexion with this subject, Mr. Dewey thus takes notice of that public opinion in the world derogatory to labour:

"Let any one of them," (the labouring classes), "be suddenly endowed with a fortune, let him be made independent of labour, and, without any change of character, he immediately, in the general estimation, takes his place among what are called the upper classes. In those countries where the favouritism extended to the aristocracy has made many of its members the vainest, most frivolous and useless of beings, it must be apparent that many persons among the business classes are altogether their superiors in mind, in refinement, in all the noblest qualities; and yet does the bare circumstance of pecuniary independence carry it over everything. They walk abroad in lordly pride, and the children of toil on every side pay homage to them. Let such an one enter any one of the villages of England, or of this country; let him live there—with nothing to do, and doing nothing the year round,—and those who labour in the field and the workshop will look upon him, in bare virtue of his ability to be idle, as altogether their superior. Yes, those who have wrought well in the great school of Providence, who have toiled faithfully at their tasks and learned their lesson, will pay this mental deference to the true idler, to the man who learns nothing and does nothing,—ay, and he will do so. Nay, they will pay it to that holy church, whose ministry is to teach the people to be idle."

exertion, the clergy, the very ministry of him who went about doing good, and had not where to lay his head, sinks, in the estimation of the whole world, to the lowest point of depression, the moment it is called 'a working clergy.' That very epithet, *working*, seems, in spite of every counter-acting consideration, to be a stigma upon everything to which it can be applied."—pages 81, 82.

The sixth discourse, on the moral evils to which American society is exposed, the ninth, on the conservative principles of society, and the last, on the blessings of freedom, are the best, we think, in the volume. In the former of them the preacher traces many anomalous traits in the social character of the Americans to their political recognition of the equality of rights. The first of these traits is, the coldness and reserve observable in their manners. But the English are liable to the same charge; and he remarks, we think truly,—“that with the “more rapid steps of reform, this reserve has been more rapidly gaining upon the English character.” He explains the fact upon the principle that “the rise of the lower classes in the scale of society” appears to the upper to require the natural barrier of reserve to save their superiority. He points out the ill which this coldness of demeanor leads to, as respects the natural feelings of the heart, the domestic affections and religion—imparting to the last a harsh-featured and repulsive aspect; to which effect, indeed, contribute not a little, the isolation of the clergy, and the conventional shutting-up of the professors of religion in the iron mask of peculiarity, apart from the ordinary avocations and cheerful haunts of men.

Another trait of the social character to which Mr. Dewey considers that the state of political equality exposes his countrymen, is, discontent, together with the danger of imprudent and extravagant expenditure. And he then proceeds, in the last place, to attack their pusillanimity in the following passage, which, for boldness and force, is one of the most striking that it has fallen to our lot to meet with in the range of modern pulpit eloquence.

“One of the most painful aspects of society abroad, is the cringing and fawning of so many worthy and intelligent men at the feet of rank and opulence. But we, in this country, have our own dangers. And the greatest of all dangers here, as I conceive, is that of general pusillanimity, of moral cowardice, of losing a proper and manly independence of

character. I think that I see something of this in our very manners, in the hesitation, the indirectness, the cautious and circuitous modes of speech, the eye asking assent before the tongue can finish its sentence. I think that in other countries you oftener meet with men, who stand manfully and boldly up, and deliver their opinion without asking or caring what you or others think about it. It may sometimes be rough and harsh, but at any rate it is independent. Observe, too, in how many relations, political, religious and social, a man is liable to find bondage instead of freedom. If he wants office he must attach himself to a party, and then his eyes must be aced in blindness, and his lips in silence, towards all the faults of his party. He may have his eyes open, and he may see much to condemn, but he must say nothing. If he edits a newspaper his choice is often between bondage and beggary; that may actually be the choice, though he does not know it. He may be so complete a slave, that he does not feel the chain; his passions may be so enlisted in the cause of his party, as to blind his discrimination, and destroy all comprehension and capability of independence. So it may be with the religious partisan. He knows, perhaps, that there are errors in his adopted creed, faults in his sect, fanaticism and extravagance in some of its measures. See if you get him to speak of them; see if you can get him to breathe a whisper of doubt. No, he is always believing. He has a convenient phrase that covers up all difficulties in his creed; he believes it 'for substance of doctrine;' or, if he is a layman, perhaps he does not believe it at all. What, then, is his conclusion? Why, he has friends who do believe it, and he does not wish to offend them. And so he goes on, listening to what he does not believe; outwardly acquiescing, inwardly remonstrating; the slave of fear or fashion, never daring, not once in his life daring, to speak out and openly the thought that is in him. Nay, he sees men suffering under the weight of public reprobation, for the open espousal of the very opinion he holds, and he has never the generosity or manliness to say, 'I think so too.' Nay, more; by the course he pursues, he is made to cast his stone, or he holds it in his hand, at least, and lets another arm apply the force necessary to cast it, at the very men who are suffering a sort of martyrdom for his own fault!

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"What is ever to correct the faults of society if nobody lifts his voice against them; if every body goes on openly doing what every body privately complains of; if all shrink behind the faint-hearted apology, that it would be over-bold in them to attempt any reform? What is to rebuke political timeserving, religious fanaticism, or social folly, if no one has the independence to protest against them? Look at it in a larger view. What barrier is there against the universal despotism of public opinion in this country, but individual freedom? Who is to stand up against it here, but the possessor of that lofty independence? There is no king, no sultan, no noble, no privileged class, nobody else to stand against it. If you yield this point, if you are for ever making compromises, if all men do this, if the entire policy of private life here is to escape opposition and reproach, everything will be swept beneath the popular wave. There will be no undim-

duality, no hardihood, no high and stern resolves, no self-subsistence, no fearless dignity, no glorious manhood of mind, left among us. The holy heritage of our fathers' virtues will be trodden under foot, by their unworthy children. They feared not to stand up against kings and nobles, and parliament and people. Better did they account it, that their lonely bark should sweep the wide sea in freedom; happier were they, when their sails swelled to the storm of winter, than to be slaves in palaces of ease. Sweeter to their ear was the music of the gale that shrieked in their broken cordage, than the voice at home that said, 'Submit, and you shall have rest.' And when they reached this wild shore, and built their altar, and knelt upon the frozen snow and the flinty rock to worship, they built that altar to freedom, to individual freedom, to freedom of conscience and opinion; and their noble prayer was, that their children might be thus free. Let their sons remember the prayer of their extremity, and the great bequest which their magnanimity has left us. Let them beware how they become entangled again in the yoke of bondage. Let the ministers at God's altar, let the guardians of the press, let all sober and thinking men, speak the thought that is in them. It is better to speak honest error than to suppress conscious truth. Smothered error is more dangerous than that which flames and burns out. But do I speak of danger? I know of but one thing safe in the universe, and that is truth; and I know of but one way to truth for an individual mind, and that is unfettered thought; and I know but one path for the multitude to truth, and that is, thought freely expressed. Make of truth itself an altar of slavery, and guard it about with a mysterious shrine; bind thought as a victim upon it, and let the passions of the prejudiced multitude minister fuel, and you sacrifice upon that accursed altar the hopes of the world.

"Why is it, in fact, that the tone of morality in the high places of society is so lax and complaisant, but for the want of the independent and indignant rebuke of society? There is reproach enough poured upon the drunkenness, debauchery, and dishonesty of the poor man. The good people who go to him can speak plainly—ay, very plainly—of his evil ways. Why is it, then, that fashionable vice is able to hold up its head, and sometimes to occupy the front ranks of society? It is, because respectable persons, of hesitating and compromising virtue, keep it in countenance. It is, because timid woman stretches out her hand to the man whom she knows to be the deadliest enemy of morality and of her sex, while she turns a cold eye upon the victims he has ruined. *It is because there is nobody to speak plainly in cases like these. And do you think that society is ever to be regenerated or purified under the influence of these unjust and pusillanimous compromises? I tell you never. So long as vice is suffered to be fashionable and respectable, so long as men are bold to condemn it only when it is clothed in rags, there will never be any radical improvement. You may multiply temperance societies, and moral reform societies; you may pile up statute books of laws against gambling and dishonesty, but so long as the timid homage of the fair and honoured are paid to splendid iniquity, it will be all in vain. So long will it be felt, that the voice of the world is not against the sinner, but against the*

sinner's garb. And so long, every weapon of association and every badge of office, will be but a missile feather against the Leviathan that is wallowing in the low marshes and stagnant pools of society.

"Would that the world were changed, we say: but how is it to be changed? Would that the evils and vices of society were done away: how are they to be done away? Whence is the power to come? I answer: One fearless voice—that of Luther—broke up the spiritual despotism of centuries: one fearless voice in England—that of Hampden—shook the throne, and corruption to its base. Any one human arm, lifted up in instant rebuke, is clothed by the power of God with all-conquering might. The popular mind ever wants leaders. The people want that some one should interpret the voice that is in them—should speak the commanding word that marshals the hosts of society to the work of reform. If there shall be no such voices in this country, no lofty seers, no stern prophets, if all shall basely seek to lose themselves in the multitude, then shall the sluggish wave of mean mediocrity and slavish acquiescence roll over the land, giving birth to broods of serpents and reptiles; and it shall only fatten the soil for some other and future empire, of more generous freedom and more magnanimous virtue. So sunk the glorious land of Grecian liberty, when nothing but cowering flattery would suit the people; temples and statues, and thrones went down, bemired and trodden under the feet of its 'fierce' and flattered 'democracies'; and the vision of Plato's republic lingers only as a bright dream upon its beautiful shores. If this vision, or any part of it, is ever to be realized here, there must be a genial confidence and warmth breathed into the soul of the people; there must be a noble simplicity and self-respect free from all base discontents; and there must be a lofty magnanimity, free from all time-serving and slavish fear."
—pages 164—169.

The danger to individual liberty and true independence of mind from the prevalence and power of "Associations," is ably pointed out by the author in his seventh lecture. There is likewise most valuable instruction, couched in stirring language, to be drawn from his discourse on "Social Ambition," as well as on "War" and "Political Morality." The last of these is particularly bold, interesting and elucidatory; giving us, moreover, no very satisfactory picture of the morality of republican politics.

The previous discourses having been taken up with the consideration of evils and dangers, Mr. Dewey in the ninth, invites attention to remedial and constructive principles—these being, education and religion. He then discusses the state of things on which his suggestions are based, and the influence of that state altogether on the world's history and the prominence of the various elements.

opinion has ordinarily propagated itself from the more educated classes downwards, the popular cause is now rising and swelling against the loudest remonstrances of superior minds. This remonstrance or alarm may be carried, it is true, to an unwarrantable extent; but one effect of it is to turn the public attention too much to *immediate* and palpable remedies, to the readiest instruments that come to hand, rather than to those deep and broad foundations which must be laid in the moral education, the cultivated and spiritualized mind of the community. On this subject he thus proceeds:

"I must add, that even where the real conservative principles, education and religion, are resorted to, they are too often, I fear, but superficially regarded, and are, as they are used, but ready instruments, instead of being considered as deep principles and thorough remedies. If education with us is a mere technical system, a mere teaching of the arts and sciences commonly learned in schools; if religion is a mere state-engine, or only a form or creed, or barely a charity to the poor and vicious, neither will exert the needed influence. It is striking to observe that the whole strength of the Tory party in England, all its will, wish, and thought about religion, seems to be occupied with the preservation of a visible establishment. I may do injustice to this aim, but it seems to me that it is, in the hands of many of its most earnest supporters, the mere worldly scheme of worldly men, and certain I am that no such scheme will answer now. I maintain, on the contrary, that deeper views of education and religion must be added to those which now prevail, that to education must be added a moral influence, and to religion a deeper philosophy and a more thoroughly practical character, in order to make them the guardian powers that the present age requires."—page 216.

Having explained in what manner education must be conducted so as to raise the popular mind in America, Mr. Dewey comes to the next great power—religion, which he contemplates in two relations to the general welfare; first, to the poor and distressed classes, and secondly, to the whole body. He contends that the time is arrived when the religious action of society ought to adopt a new principle; that is, to do the least possible for the body, but the utmost possible for the mind;—to elevate the physical condition through the improvement of the moral condition. In reference to the second relation, he maintains that religion must be pure and practical. Doctrines written in books must be written in the heart; the pulpit must be unchained, and the preacher must be free. The prevailing idea of the real nature of religion

must be rectified; for under the almost universal error in this particular, much too little account is taken of the virtues of social and private life.

"For the improvement of society then we want a religion of society. We want a religion that comes home to the heart in all its affections; that touches all the relations of husbands and wives, parents and children, brothers and sisters, friends and associates. We want a religion for business and for amusement, for public office and private duty, for every social act that a man can perform, whether he gives his suffrage, or decides questions in a court of justice, or dispenses wealth in hospitality, or sits at the frugal board of humble poverty. We want a religion of kindness and gentleness, and generosity, and candour, and modesty, and forbearance, and integrity, and self respect, and mutual respect.

"And let me add for my own defence, that we want a religion that will speak of all these things. I know very well, that some of the topics which I am discussing in this series of discourses, have fallen upon ears quite unaccustomed to hear such things from the pulpit. I know that some persons will consider many of these matters as having nothing to do with religion, and quite out of place in the pulpit. Most earnestly do I protest against this conclusion. What was the example of the great Master? Did he show any of this modern fastidiousness about preaching? How free, and natural, and various was his manner! How unrestrained his discourse! Though delivering words of inspiration, which were to be recorded for the instruction of all ages, though constantly engaged in the highest mission ever fulfilled on earth, though surrounded by the watchful eyes of jealous and formal Pharisees, yet there was no staid or affected solemnity in his discourse; he addressed himself to every case, availed himself of every incident around him; the homes of Judea rise before us as we read him; her rulers, her judges, her political condition, her social state, all have a place in his teachings and warnings; there was not a topic within the range of moral influence to which he did not freely apply himself. Upon the authority of that great example I claim a right here, in the church of Christ, to speak of everything that affects the moral, the vital welfare of the people. I have a contest here with error, with sin, and misery. I do not want any technical system of theology to tell me what they are: I know what they are. If I had never heard of any creed or system, I should just as well know what sin and misery are. I know what they are, and where they are. I see them, I feel them all around me. *And so seeing and feeling, I must have liberty to speak to them—to go where they are—to go wherever a free discourse upon them will carry me, without stopping to inquire whether it is beyond the artificial pale of what is called a sermon.* You may call the communication by whatsoever name it pleases you to characterize it. Say, if you choose, that it is not a sermon; call it an oration, a speech, an address; but if it answers its purpose, if it opens to you a wider range of duties, if it spreads the feeling of conscience over a larger field of life, I shall be satisfied. That heavy and dull word *sermon*, with a thousand formal and lifeless pictures of association stamped upon it, is, I fear, a shark's

to many preachers, and a stone of stumbling to many hearers, and such a one as prevents many from hearing at all. *Let it be a free, natural, manly address to the people on their most vital interests, and it would be a different thing—different to many hearers, and very different with many preachers.*"—pages 231—233.

In his lecture on the Blessing of Freedom, one of the very best in the book, Mr. Dewey dwells on the causes that for the present are in operation tending to lessen in our American brethren the due sense of the advantages of freedom: he states the just principle and working of democratic government, and that in proportion to the degree of popular ignorance on many important matters, will errors necessarily be committed by it. He, however, values the political constitution of his country, first, because it is the only system that accords with the truth of things, the only system that recognises the great claims and inalienable rights of humanity; secondly, because it fosters and develops all the intellectual and moral powers of the country; and in connexion with this topic, we cite an admirable passage.

"Nay, I will go further, and confess the secret hope I have long entertained, that the liberty wherewith, as I believe, God has made us free, that the equal justice, the impartial rewards which encourage individual enterprise in this country, will produce yet more glorious and signal results; results that will proclaim to all the world, that political equity is the best pledge for national dignity, strength, and honour; results which will, effectually and for ever, break down the pernicious maxim, that a certain measure of political injustice and favouritism is necessary to the order and security of the social state. As I believe in a righteous Providence, I do not believe in this maxim; and I trust in God, that it will receive its final and annihilating blow in this very country. It is not that I challenge for our people any natural superiority to other people: it is not to the shrine of national pride that I bring the homage of this lofty hope, but to the footstool of divine goodness. It is to our signal advantages, and especially to the equal justice of our institutions, that I look for the accomplishment of this great hope. I believe that freedom—free action—free enterprise—free competition—will be found to be the best of auspices for every kind of human success. I believe that our citizens will be found to act more effectively, and more generously, and more nobly, for being free; that our citizen-soldiers will, if called upon, fight more valiantly for being free; that our labourers will toil more cheerfully for being free; that our merchants will trade more successfully; nay, and little as it may be expected, that our preachers and orators will discourse more eloquently, and that our authors will write more powerfully, for the spirit of freedom that is among us. The future, indeed, must tell us whether this is a dream of enthusiastic

patriotism. But I would fain have the most generous of principles for our laid at the heart of a great people, and see what it will do. Alas! for humanity never yet has been treated with the confidence of simple justice. Never yet has any voice effectually said to man, 'God has made thee to be as happy and as glorious, if thou wilt, as thy most envied fellow.' When that voice does address the heart of the multitude, will it not arouse itself to loftier efforts, to nobler sacrifices, to higher aspirations, and more generous virtues, than were ever seen to be the offspring of any unequal and ungenerous system that ever man has devised. God grant that the hope may be realised, and the vision accomplished! It were enough to make one say 'Now let me depart in peace, for mine eyes have seen thy salvation!'"—pages 292—4.

There is one great drawback to the unmixed gratification with which we should otherwise peruse these discourses; and that is, the reflection, that while the condition of slavery remains as it is in his country, some of the author's noblest passages lose their truth, and become to our minds mere declamation. There is certainly a "lamentable exception" to be taken in the averments of our last citation. Freedom, in the true sense of the word, cannot be justly predicated of any civil state, where a quarter of a million of human beings are held as property, and bought and sold like cattle, the vendors being in some cases the playmates in infancy, and even the brothers and fathers of the men, women, and children carried to the market!

Against this and a few slighter detractions from our full pleasure in this volume, we have, however, to set off such a weight of opposite sensations, as will not allow us to conclude this part of our article, without repeating our persuasion that in Mr. Dewey, America may justly boast of one of the most honest, strenuous, able and eloquent of religious ministers.

The spirit of religion in the Union is stirring up others to a reform in the administrations of the pulpit besides those that have already passed under our notice, in as far as the people are getting in advance of their present religious teachers. This spirit is bursting through sectarian restraints, and many powerful voices are raised within the churches as well as out of them, against the mechanical ~~education and practice~~ of religion, and in favour of individual consequent spontaneousness of spee

a defiance of public opinion exhibiting itself more and more in regard to some moral and religious questions about which heretofore there has been unconditional submission. There is a visible reaction in the best part of society in favour of any man who stands alone on any point of religious concern; and though such an one may have the more regularly ordered churches against him, he is usually cheered by the hearty countenance of some more congenial minds. That the people are taking a lively interest in these reforms is testified by the rapid sale of heretical books, and by the outbreak of heresy and schism in all directions.

In this state of things we need not wonder if some of the most gifted minds, the authorized pioneers of religious improvement, should no longer seek to lose themselves in the crowd;—that the lawful leaders of the host should no longer cower behind the rear ranks. It would be difficult, perhaps, to ascertain the number and character of all these religious reformers, as well as to estimate correctly the nature and extent of the urgency in each demand; but as regards one in particular, we are not thus at a loss; we allude to Orestes A. Brownson of Boston. We are assured that he is a man of vigorous intellect, full of enlarged sympathies, who has not only discerned the wants of the time, but set himself to do what one man may to supply them. He invites to worship those who think and feel with him. A multitude flocks around him; the earnest spirits of the city and the day, whose full hearts and worn spirits can find little ease and refreshment amidst the abstract and inappropriate services of ministers who give them truth as they judge they can receive it. Nothing but the whole truth will satisfy those who are living and dying for it. In giving an extract or two from part of a discourse by Mr. Brownson on the “Wants of the Times,” we trust the reader will perceive how much his sentiments accord with our own as stated in the commencement of this article, and will feel that his remarks do not apply to his own countrymen *only*.

“The age, and especially the country, in which we live, are peculiar. They, therefore, require a peculiar kind of instruction, and, I may say, a peculiar mode of dispensing Christian truth. They are unlike any which have preceded us. They are new, and consequently demand what I have

called a new Dispensation of Christianity, a dispensation in perfect harmony with the new order of things which has sprung into existence. Yet of this fact we seem not to have been generally aware. The character of our religious institutions, the style of our preaching, the means we rely upon for the production of the Christian virtues, are such as were adopted in a distant age, and fitted to wants which no longer exist, or which exist only in a greatly modified shape.

Should it now be asked, as it has been, what I mean by the new dispensation of Christianity, the new form of religion, of which I have often spoken in this place and elsewhere, I answer, I mean religious institutions, and modes of dispensing religious truths and influences, which recognise the rights of the mind, and propose social progress as one of the great ends to be obtained. In that new church of which I have sometimes dreamed, and I hope more than dreamed, I would have the unlimited freedom of the mind unequivocally acknowledged. No interdict should be placed upon thought. To reason should be a Christian, not an infidel, act. Every man should be encouraged to inquire, and to inquire not a little merely, within certain prescribed limits; but freely, fearlessly, fully, to scan heaven, air, ocean, earth, and to master God, nature, and humanity, if he can. He who inquires for truth honestly, faithfully, perseveringly, to the utmost extent of his power, does all that can be asked of him; he does God's will, and should be allowed to abide by his own conclusions, without fear of reproach from God or man."

He next proceeds to state what are his views of the object, spirit and scope of the Christian religion.

"And what was this gospel which was preached to the poor? Was it a gospel suited to the views of the Autocrat of the Russias, such as despots ever love? Did it command the poor, in the name of God, to submit to an order of things of which they are the victims, to be contented to pine in neglect, and die of wretchedness? No, no: Jesus preached no such tyrant-pleasing and tyrant-sustaining gospel. The gospel which he preached was the gospel of human brotherhood. He preached the gospel, the holy evangile, good news to the poor, when he proclaimed them members of the common family of man, when he taught that we are all brethren, having one and the same Father in heaven; he preached the gospel to the poor, when he declared to the boastingly religious of his age, that even publicans and harlots would go into the kingdom of heaven sooner than they; and whoever preaches the universal fraternity of the human race, preaches the gospel to the poor, though he speak only of the rich.

"There is power in this great doctrine of the universal brotherhood of mankind. It gives the reformer a mighty advantage. It enables him to speak words of an import, and in a tone which may almost wake the dead. 'Hold thy hand, oppressor,' it permits him to say, 'thou wrongest a brother! Withhold thy scorn thou bitter satirist of the human race, thou vildest thy brother! In passing by that child in the street yester-

day, and leaving it to grow up in ignorance and vice, notwithstanding God had given thee wealth to train it to knowledge and virtue, thou didst neglect thy brother's child.' Oh! did we but feel this truth, that we are all brothers and sisters, children of the same parent, we should feel that every wrong done to a human being, was violence done to our own flesh.

"I say again that Jesus was emphatically the teacher of the masses; the prophet of the working men if you will; of all who 'labour and are heavy laden.' Were I to repeat his words in this city or elsewhere, with the intimation that I believed they meant something; were I to say, as he said, 'It is easier for a camel to go through the eye of a needle, than for a rich man to enter into the kingdom of heaven,' and to say it in a tone that I believed he attached any meaning to what he said, you would call me a 'radical,' an 'agrarian,' a 'trades' unionist,' a 'leveller,' a 'disorganizer,' or some other word equally barbarous and horrid. It were more than a man's reputation for sanity or respectability as a Christian is worth, to be as bold, even in these days, in defence of the common people, as Jesus was.

"I say still again, that Jesus was emphatically the teacher of the masses, the prophet of the people. Not that he addressed himself to any one description of person, to the exclusion of another, not that he sought to benefit one portion of the human race at another's expense; for if any one thing more than another distinguished him, it was, that he rose above all the factitious distinctions of society, and spoke to universal man, to the universal mind, and to the universal heart. I call him the prophet of the people because he recognised the rights of humanity; brought out, and suffered and died to establish principles, which in their legitimate effect, cannot fail to bring up the low and bowed down, and give to the many, who, in all ages and in all countries, have been the tools of the few, their due rank and social importance. His spirit, in its political aspect, is what I have called the democratic spirit; in its most general aspect, it is the spirit of progress, in the individual and in the race, towards perfection, towards union with God. It is that spirit, which, for eighteen hundred years, has been at work in society, like the leaven hidden in three measures of meal; before which slavery, in nearly all Christendom, has disappeared; which has destroyed the warrior aristocracy, nearly subdued the aristocracy of birth, which is now struggling with the aristocracy of wealth, and which promises, ere long, to bring up and establish the true aristocracy, the aristocracy of merit."

In conclusion, Mr. Brownson thus briefly defines the articles of his creed, and the object of his reforming administrations:

"My creed is a simple one.—Its first article is, free, unlimited inquiry, perfect liberty to enjoy and express one's own honest convictions, and perfect respect for the free and honest inquirer, whatever be the results to which he arrives. The second article is social progress. I would have it a special object of the society I would collect, to labour to perfect all so-

cial institutions, and raise every man to a social position, which will him free scope for the full and harmonious development of all his faculties. I say *perfect*, not destroy, all social institutions. I do not feel that I have given me a work of destruction. I would improve, preserve, what is good, and remedy whatever is defective, and thus reconcile the CONSERVATOR and the RADICAL. My third article is, that man should labour for his soul in preference to his body. Man has a soul; he is not a mere body. He has more than animal wants. He has a soul, which is in relation with the absolute and the Infinite—a soul, which is forever rushing off into the unknown, and rising through a universe of darkness up to the first Good and the first Fair. This soul is immortal. To perfect it is our highest aim. I would encourage inquiry, I would perfect society; not as ultimate ends, but as means to the growth and maturity of man's higher nature—his soul.

* * * * *

"This is my object. I am not here to preach to working men, nor to those who are not working men, in the interests of aristocracy, nor of democracy. I am here for humanity; to plead for universal man; to raise the banner of the cross on a new and more commanding position, and rally the human race around it. I am here to speak to all who feel themselves human beings; to all whose hearts swell at the name of man; to all who long to lessen the sum of human misery, and increase that of human happiness; to all who have any perception of the Beautiful and Good, and are craving for the Infinite, the Eternal, and Indestructible, on whom to repose the wearied soul, and find rest:—to all such is my appeal; to them I commit the object I have stated, and before which I stand in awe, and treat them by all that is good in their natures, holy in religion, or desirable in the joy of a regenerated world, to unite and march to its acquisition, prepared to dare with the hero, to suffer with the saint, or to die with the martyr."

ARTICLE IX.

1. *Mémoires d'un Prisonnier d'état au Spielberg.* Par ANDRYANE, compagnon de l'illustre Comte Confalonieri. 4 vols. Paris: 1837.
2. *Memoirs of a Prisoner of State in the fortress of Spielberg.* By ALEXANDER ANDRYANE, fellow-captive of Count Confalonieri; with an Appendix by Maroncelli, a companion of Silvio Pellico. Translated by Fortunato Prandi. Complete in 2 vols. Saunders and Otlet, London, 1840.

THE subject of these volumes will naturally bring to the recollection of the reader that remarkable work which first

disclosed to astonished Europe the tragedy of the Spielberg, so long the secret of the gaoler and the victims. But though the subject be the same, nothing is more opposite to the saint-like meekness of Pellico than the elaborate narrative of M. Andryane. The former repudiates at the outset of his book the notion of having written to gratify his vanity by the exhibition of his trials; and, with all the uprightness and candour of a self-searching conscience, he proceeds to enumerate the nobler objects he trusted he had in view. We believe him; we know of no tale of suffering so eminently calculated to awaken the deepest sympathy, and which at the same time impresses the reader with so ready and implicit a reliance on the veracity of its statements.

The "*Prigioni*" of Pellico is an ascetic book: it forms part of a religious crusade, by which a few well-meaning believers, with Manzoni at their head, have in late years been endeavouring in Italy to make a stand for the faith of their fathers; and hoping, with perhaps more ardour than either discernment or chance of success, to support the dismantled edifice of Catholicism. The work of Pellico is the result of the long and painful efforts of a martyr: he appears in it only as the frail vessel in the hand of Providence: his fortunes are exhibited merely as an episode of that great drama of which the universe is the stage. He is not in fact the hero of his narrative, neither is any of his fellow-sufferers. It is principally perhaps on this account that his work has obtained less reputation in Italy than elsewhere. The author of "*Francesca da Rimini*" had been dear to his countrymen from his earliest youth: their sympathy had accompanied him in his captivity; vague rumours of his death had kept them in anxious suspense for ten long years; and the tidings of his release were for a time doubtfully received. The Italians read the narrative of his imprisonment, they sympathized with him, they admired the self-possession which restrained him from uttering a word of resentment against his persecutors; but they were disappointed. Pellico had withdrawn himself from the cause he had served; he had stifled all the natural indignation of a patriot; he had not only pardoned his own wrongs, but those of his country; Spielberg had been for him a cloister, with oblivion at

its threshold. The Italians doubted whether he was free thus to withdraw his hand from the plough,—whether even ten years of anguish could justify his losing in an abstract feeling of devotion all thoughts of the exertion which his country demanded of him, and remaining a passive observer of the strife that was silently but incessantly going on around;—whether, to use his own words, “as a lover ill-used by his mistress, and proudly determined to keep aloof from her,” he could fairly “leave politics alone and speak of something else.” We shall not impugn, nor shall we subscribe to, these opinions concerning “*Le mie Prigioni*”; but shall only observe that, whatever sentence may have been passed on that work, it would be difficult to point out a single passage in which the author is found indulging in a spirit of vain-glory.

M. Andryane is not thus exempt from the charge of egotism. The “*Mémoires d’un Prisonnier d’Etat*” are not written in the same spirit of self-forgetfulness which gives the peculiar charm to the “*Prigioni*”, though they were intended to fill up the blanks occurring in that simple tale of sufferings which leave the curiosity of its readers half-satisfied. Much as the completion of Pellico’s narrative had been expected in Europe, we confess that on first reading Andryane’s work we were dissatisfied with the manner in which he had executed his task; like a bad artist (for he writes like a professed one) he has dwelt so minutely on the smallest particulars, that the general impression which such a picture might have displayed is frittered away in detail. M. Andryane has left nothing untold; he has weighed every sigh, measured every inch of suffering,—he suffers like one whose miseries are to be recorded, and unfortunately for himself he is their chronicler. We do not deny that he has evinced magnanimity, but we regret that, by parading it so carefully in the pages of his work, he has lessened its dignity in the regard of his readers. We had hitherto only been allowed to roam around that gloomy stronghold, or had heard at most the voice of poor Pellico rising faintly from his lonely cell, as he sought peace and consolation in solitary prayer. But the prison-doors have now been thrown open, the graves of Ressi, Villa, Moretti and Oroboni, the madness

of Pallavicini, the mutilated frame of Maroncelli, and the walking skeletons issuing from that living tomb,—all are now brought with painful distinctness before our view,—the wrecks of a long imprisonment, which had blunted their feelings even to the sensation of pain, and plunged them into a stupor from which the very tidings of their deliverance could hardly arouse them. We confess we did not desire so minute a recital of details of suffering, knowing how difficult it must be to avoid indulging in lamentations or invectives liable to the charge of exaggeration or petty vindictiveness; we agree with Confalonieri, in doubting the expediency of such a work, and honour his motives for maintaining a dignified silence on the subject of his wrongs.

The "*Mémoires d'un Prisonnier d'Etat*" extend to four volumes octavo: these Mr. Prandi has deemed it expedient to compress into two, finding that their author, "led away by his ardour, as also by the deep sense of his wrongs, "had indulged too freely in political discussions and personal details, and diffused over his pages a morbid sentimentality, inconsistent with the dispassionate simplicity "of history."

The besetting sin of vanity is indeed prominent throughout the book. M. Andryane takes no trouble to disguise the fond persuasion he cherished from his earliest youth, of his being born to be a hero,—a feeling common to the majority of young men, but which does not appear in his case to have faded before the disenchanting influence of age, nor even under adversity. He describes himself as crossing the Alps under the impression that he carried the destinies of Italy in his writing-desk; he felt all the importance of his "immense responsibility," and "would have been ashamed of betraying any hesitation to those who reckoned so much on his services." But at the first view of the position of affairs in Italy, the illusion vanishes; he is instantly "well convinced of the uselessness of his endeavours," and with French precipitation he warns his correspondents that "under such circumstances he must renounce his mission," and leave Italy to her fate. In prison, again, and brought before the tribunal which was to pronounce his doom, his heroism triumphs over all the versatility of the grand inquisitor Salvotti, the alternate

allurements and menaces with which he was incessantly besieged—over the strong appeals to his feelings as a son, brother and a lover, and over the snares to his youthful vanity and ambition. It is in the nature of the greatest calamity to awaken new energies, and to strain the best faculties of man; but we should have risen from the perusal of the work with a higher opinion of the author, if he had endeavoured less to make himself appear as the prominent martyr in the cause. It is true that he extols the magnanimity of Confalonieri with a kind of idol worship, but in doing so he never allows us to forget that *he* was his bosom friend and his support: and the very sufferings of his companion heightened by the consolation which *he* rendered. We quit him of having intentionally represented himself thus the hero of Spielberg, but such is the impression conveyed to readers who are not in the habit of exercising discernment or searching the characters of their authors.

The system of pruning, by which the ambitious style of the original is sobered down in the translation, has been amply justified by the testimony of public opinion. We are averse on principle to abridgements and alterations on the part of a translator; but in the present instance curtailment was not only justifiable but necessary; and Mr. Prandi has shown great judgement and skill in the very difficult task he took upon himself, in preserving the narrative entire, while divesting it of the mass of superfluous and frivolous matter which renders a very interesting work unreadable to the English public. We can detect in the translation no omission of facts, no alteration except in expressions and style, and those invariably for the better. It is only through the medium of his translator that Andryane's narrative can be justly appreciated. Instead of the French hero and his dreams of love and ambition engrossing our whole attention, the other illustrious men who suffered with him occupy the proper station in the history of these fearful events.

The "Memoirs of a Prisoner," which we now present to us, is a book of deep interest, and of a tone about the end of 1822: M. Andryane, who was prevailed upon by the well-known French statesman and a few of the most ardent republicans to

Italy, in order to re-kindle the courage of the Carbonari, and to prepare them for insurrection. He set out on his mission, charged with letters of introduction, regulations, ciphers, etc.; but, fearful of danger in passing the frontier, he left these at Bellinzona in the care of a refugee, who undertook to forward them safely. From the information he had collected on his journey, and on his arrival at Milan, he was soon convinced that nothing could then be attempted with any chance of success. Count Confalonieri and many others of the most distinguished men in Lombardy had been imprisoned, and the Inquisitorial Commission appointed to try political offenders spread terror and dismay throughout the country. M. Andryane says,—

“No one could sleep in his own house with security. Everywhere I heard the same language; everywhere I met with the same hatred of the Commission, and the same horror at its arbitrary proceedings. Two names, above all, were prominent in every conversation and familiar to every lip; one as an object of admiration and compassion, the other as a mark of vituperation and abhorrence. Confalonieri and Salvotti seemed to represent in the eyes of the Milanese the angel of liberty and the demon of oppression, contending against each other, no longer for the success of the cause they had espoused, but for their own personal triumph. For Confalonieri were poured forth the good wishes of his countrymen, especially of the fair sex, who regarded him as an unfortunate and persecuted being, clothed with all the brilliancy of self-devotion and courage. On Salvotti weighed the malediction of a whole population, hating in his person one of those abominable adventurers who invent state-trials to raise themselves to power.”—*Ibid.* i. page 31.

M. Andryane without delay wrote to prevent his papers being forwarded, and to resign his mission as hopeless; but it was too late. The fatal packet arrived as he was preparing for a tour of pleasure through Italy, and the Austrian police almost immediately seized it in his room. He was soon conveyed to the prison of Santa Margherita, where Pellico had been confined three years before; and shortly afterwards he was brought before the Inquisitorial Commission, at the head of which was the notorious Salvotti. It is scarcely possible to realize to the mind the mental tortures which this tribunal exercised upon its victims. They were lodged in dark cells, kept for indefinite periods in solitary

confinement; deprived of books and writing materials, broken down by want of food, and repeatedly subjected to secret and harassing examinations; during which, setting at nought every form of justice, the artful inquisitor—himself counsel on both sides, judge, jury, appeal,—employed every means of persuasion or intimidation to extort disclosures. Inferring from the papers seized upon him that the young Frenchman possessed all the secrets of the Italian patriots, Salvotti endeavoured to drive him to criminate others,—his own case being, as he said, already prejudged. But Andryane had embarked in the enterprize so thoughtlessly, that he knew little of what was doing, and that little he was determined not to reveal. The proud inquisitor could not bear to see his endeavours continually baffled by a beardless youth, and often gave way to the most scandalous fits of rage that ever disgraced the character of a judge. The examinations before him are described with startling force and effect. The judge fixes his dark and piercing eyes upon the prisoner, with a view to intimidate or scrutinize the character he had to deal with; he then tells him that the papers of which he was bearer were sufficient to consign him to the scaffold without further proceedings, and that “candour and truth were his only anchor of safety.” Andryane answers that he has no accomplices, no disclosures to make.

“I tell you plainly,” said Salvotti, “that your execution is certain if you persevere in these denials caused by your obstinate pride, and your false estimation of your means of defence. What can you expect, I ask you, as the result of such behaviour? To save your head? The papers I now hold have already destined it to the hangman. To preserve the secrets of the criminal associations to which you belong? We know enough already to ensure our getting at what remains, without your help. To save your accomplices abroad and at Milan? That is no longer in your power. Be persuaded, while there is yet time, that you can conceal nothing from us, nor save any one, and that you must die. The clemency of his Majesty is as great as his power. Be sufficiently your own friend to seek it. * * * *

“After this address, which Salvotti delivered in a tone at times loud and threatening, and at others insinuating and kind, he awaited, with his eyes constantly fixed on mine, for the result of his eloquence. I answered, ‘I am much obliged by the interest which my judge is pleased to take in my fate, and by the advice which he has no doubt given solely with a view to my advantage; but I am unfortunately obliged to inform him that I cannot follow it. * * * If, as he states, a sentence of death already hangs over me

in consequence of the papers found in my possession, I have nothing left but to await my destiny. But if, as I am bound to believe, I am to defend my life and liberty before a tribunal incapable of any arbitrary proceedings, I have sufficient confidence in the strength of my case, to trust that a mere intention, an embryo plot unaccompanied by any overt act, and which was even abandoned, will not be confounded with what the law requires to constitute the crime of high-treason." * * * *

"The sneer of insolent pity which appeared on the lips of the inquisitor, and passed to those of his worthy associates, would have sufficed to make me pause in my discourse, had not Salvotti hastened to interrupt me by saying, 'It is before the Commission alone that you will have to plead your cause. You will have no other tribunal; and as to counsel, it is I who will serve you in that capacity.'

* * * *

"But are you indeed in earnest?' said I.

"When we are a little better acquainted, you will be satisfied,' replied he sharply, 'that jesting forms no part of my character.'

"And am I, a poor unprotected stranger, ignorant of your language and laws, to remain without the assistance of counsel and pleader?"

"To each of these interrogations Salvotti replied smilingly by inclinations of the head, and repeating, 'Just so, just so!'

"Of the protection which the law affords in all other countries to the accused, I perceive none here. * * * Who is to sustain the prisoner in a long and harassing trial? Who is to prevent him, in his ignorance of the laws from causing his own ruin, by expressions though innocent in themselves often of fatal import."

"I! I tell you,' exclaimed Salvotti,—'I, whom his Majesty honours with his entire confidence,—I, who at my pleasure can save or destroy you,—I, who hold in my hands the proofs of your guilt, which no pleading can palliate, no line of defence save from the extreme penalty of the law, except submission and repentance.'

* * * *

"The unremitting strain to which my mind was subjected in order to guess and seize the drift of Salvotti's questions, together with the necessity under which I was placed of answering in Italian, so much wearied me during this long examination, that I requested some rest. Without paying any attention to my request, the inquisitor continued the interrogatory some time longer, until, tired out himself, he closed it, saying, 'You make light of the Commission, but you will ere long learn that the Imperial Tribunal is not to be trifled with. Take my word for it, this will end by your being hung.'

"These words he accompanied with a movement of the hand, which was perfectly in keeping with the anger and malice depicted on his pallid countenance."

"If that is to be my doom, it is hard, very hard; and you have menaced me with it so often that I cannot doubt it. But what am I to do? I can only deplore the fatality of my situation, which precludes me from

producing conviction in the minds of my judges, and will send me to the scaffold, though innocent !’

“ ‘ You will be hung,’ said Salvotti.

“ ‘ Hung ! be it so,’ I replied ; ‘ I shall not forget it ; I will prepare myself for my fate : before I go, however, I shall ask a favour.’

“ ‘ What is it ?’

“ ‘ A copy of the criminal code.’

“ ‘ Impossible—useless—you have no need of it.’

“ ‘ What ! can you refuse me a copy of the code, when I am not even allowed a defender or an advocate ? Then I am not to be judged, but sacrificed—I am a victim !’

“ ‘ A victim ! no ; but you will be hung ;’ and he added, with a grin, ‘ You are not now in France,—Do you understand ? You may go ?’

“ He rang the bell, and the guards came to fetch me. I returned to my prison harassed and worn out with fatigue and exhaustion.”—*Fol. i. pages 90—100.*

Examinations of this nature, despotically and fraudulently conducted, and multiplied in number every day during several months,—early in the morning, the evening, or at midnight, just as Salvotti might think proper,—formed the whole of the proceedings, miscalled trials, by which Austria either destroyed or crushed the noblest minds in her Italian provinces. Yet no rebellion had taken place, no overt act had been committed, and these abominations were only precautionary measures intended to appease the fears of a superannuated despot.

Meanwhile Andryane found relief from the tediousness of his captivity, by discovering a mode of communication adopted by the Italian prisoners confined in the adjoining cells, which consisted in striking on the intermediate wall a number of slight taps, corresponding with the place that each letter occupies in the alphabet. By this ingenious means he was enabled to maintain long and frequent conversations with several of his fellow-sufferers in succession ; and considerable interest is added to his narrative, by a variety of episodes, and an exposure of the trifling pretexts under which men of the highest character and rank were torn from their families and subjected to the arbitrary proceedings of the Inquisitorial Commission.

After eight months of mental torture his examinations came to a close, and he was removed from the prison of Santa Margherita to await his sentence in that of Porta Nuova, where he soon discovered that the inmate of one of

the cells close to his own was Confalonieri. From all he had heard, both in and out of prison, concerning the character of this illustrious man, Andryane had long been anxious to be brought into connexion with him, especially as he had been confidentially informed by one of the Commissioners that he would have to suffer with him the extreme penalty of the law. Their intercourse soon ripened into a warm friendship, and it was from Confalonieri himself that he received a second intimation of his doom.

"In that death-like stillness, at about two o'clock in the morning, I heard some taps at the wall, but they were so faint that I could scarcely believe it. I got up, and went to listen. It was Confalonieri, who, availing himself of the sleep of his guards, summoned me once more. 'The sentences have been sanctioned by the Emperor; they are here: they will be executed in a few days,—I shall be hanged.'

"In the name of Heaven, tell me whether I am condemned to the same punishment as yourself?"

"He did not answer; but his silence spoke more than words. I therefore raised my soul to Him who is the source of true resignation and courage, and prayed for fortitude to die worthily."—*I'ol. i. page 322.*

The Commission had, in fact, condemned them both to death, and their sentences had been sanctioned by the Senate of Verona; but they had staunch friends at work. Andryane's affectionate sister, an accomplished and energetic woman, had repaired to Milan, in order to make every possible exertion in order to obtain his release. For some time Salvotti would not permit an interview between the brother and sister, unless they bought the favour by some important disclosures; and being foiled in this attempt, he tried to drive her back to France. She, however, remained firm to her purpose, in spite of the Inquisitor, obtained admission to see the prisoner, and was now moving heaven and earth to save his life. The Countess Confalonieri, too, eminent alike for her talents and her virtues, was using her utmost endeavours to incline the Emperor to mercy. Determined upon terrifying the disaffected, his Majesty dismissed her, saying, "*Enough, madam! there is barely time for you to arrive at Milan, if you desire to see your husband once more;*" and to the father of Confalonieri, who had been long devoted to the House of Austria, he said, as he was embracing his knees, "*Rise, my dear Count; submit to the sacrifice, and behold your son at-*

ready in Paradise." But this did not put an end to the solations of the Countess. With unconquerable earnestness she still appealed to the Emperor's heart, aided by the intercession of the Empress, the Viceroy his brother, and his daughter Maria Louisa,—by a pressing petition from all the Milanese nobility,—and lastly, by a touching exhortation of the archbishop of Milan and his clergy. This portion of the work forms an episode of great beauty, which, accessory as it is to the leading features of the narrative, presents so admirable a picture of the finest traits of woman's character, of conjugal devotion, of tenderness and purity of feeling, united with an extraordinary power and energy when exertion was required, that we cannot pass it by unnoticed. We dwell upon it with the greater satisfaction and delight, as offering a striking contrast to the loose morality and feeble nature which our book-making tourists are in the habit of ascribing to the character of Italian women. The magnanimity of Confalonieri is heightened by the devoted attachment and sympathy of his high-minded Theresa: their history during his imprisonment is indeed a romance of real life, but such as to vindicate the truth of romance in its association with the noblest feelings and actions of human nature: it is worth a library of narratives of fiction, carrying us out of the realities of life, and enlisting our sympathies in a false or unworthy source of interest. To the name of Theresa Confalonieri* we must add those of Andryane's own sister, portrayed by herself in her affecting journal, the countesses Dembowsky and Freccavalli, and Maria Tonelli.

In consequence of these united exertions, "by the inexhaustible clemency of the Emperor," the sentence of capital punishment was commuted to one of hard imprisonment (*carcere duro*) for life in the fortress of Spielberg, preceded by an

* This admirable woman did not live to see the success of her efforts to procure the release of her husband: but she devoted her last moments to the thought of postponing his grief at hearing of her death.—"Dying in the arms of a brother, whom she tenderly loved, she bequeathed to him all the hopes that she still cherished, notwithstanding so many fatal deceptions; and trusting in a future period when her letters might reach Spielberg, she had the courage to write several, which, dated in advance and following each other at a considerable distance, might conceal from the Count for some time the irreparable loss which he had sustained.—a constant source of consolation to him during her life, she wished still to afford him comfort after her death."—(Vol. II. page 367.)

exposure on the pillory. Confalonieri had been for some time in a deplorable state of weakness, and he could scarcely move from his couch. Nevertheless, loaded with irons, he was dragged with his companions to undergo this degrading ceremony; and shortly afterwards, though several physicians declared him to be in a dying state, he was compelled to depart for Spielberg with the rest. Andryane was in the same carriage with him, and gave him every assistance; but as they advanced on their journey, he gradually declined, and relapsed continually from one fainting-fit into another, till on their reaching Villach, it was found necessary to leave him there, while the others continued their route to Spielberg. This concludes the first part of the Memoirs.

On his arrival at Spielberg, Andryane was thrust into a dark and narrow cell, fettered and habited in the dress of a common convict. His food was of the worst description, and so disgusting that hunger could scarcely make him swallow it. The treatment which the state-prisoners met with was so bad that the very goulers were moved to compassion; and the humanity of poor Schiller and Krall was shown in constant little acts of kindness—characteristic of the men, and depicted with perfect truth to nature. Andryane thought himself thus cut off from every solace; when a convict servant one day secretly brought him the following note, with a pen and ink and a scrap of paper.

"We are ignorant of your name; but your misfortunes and ours are the same, and on this ground we address you. Let us know who you are: tell us about Milan, about Italy, about everything. During the two years that we have been here no news has reached us. Write without fear; we vouch for the messenger. Reply quickly, for we burn to hear by what fatal destiny you, like us, have been buried in the tombs of Spielberg.

"SILVIO PELLICO,

"PIERO MARONCELLI."

A correspondence was thus established, which proved a source of consolation to the prisoners so long as it lasted. But their writing-materials were soon exhausted: the blank leaves, margins and covers of every book in their possession had been used to convey tidings from cell to cell. Night and day their minds were on the rack to invent some new expedient. At last Maroncelli hit upon the means of using brown

paper, by sizing it with an infusion of bread and water. For some time soot furnished them with ink, which the confidential servant took care to provide; but when this failed, Pelloni had recourse to the blood from his own veins.

Meanwhile Confalonieri had been conveyed to Vienna, where the Director-General of Police, the minister Count Sedlenitzky, and even Prince Metternich, successively visited him in prison, and used fresh exertions to draw from him disclosures. "If I seek information from you, Count," said his Highness, "it is absolutely only in an historical point of view, and with a due regard to your interest as to that of your companions in captivity. His Majesty," "doubtless, would not fail to be grateful for any confidential information which you alone can supply." Seeing that this had no effect on the prisoner, the Prince added, "Perhaps you might place greater confidence in one whose rank is higher than mine. I should not be jealous," said he smiling; "and if you authorise me, I do not doubt but that the august personage will himself come to hear what you may have to say, and to change your destiny and that of your friends."—(*Vol. ii. page 53.*)

Confalonieri declined the honour of this visit, though he foresaw the consequence of such a refusal. The next day he was sent to his destination in Spielberg; and as he still suffered from fainting-fits, he was lodged in one of the dungeons with Andryane. The disappointed pride of the Emperor changed the severity imposed by policy into personal enmity; and from that moment the persecution of Confalonieri took the character of animosity which nothing could soften, or even prevent from extending to his companions.

The Emperor had a detailed plan of the prison, and directed in person the most paltry and vexatious contrivances to render confinement as irksome and monotonous as possible. He studied every means to insure the total isolation of his victims from the world, and prevent every communication from without, or among themselves; he enforced scantiness of food and clothing, forbade reading and writing and every other employment of the mind, and took care even to preclude any sight that might cheer or diversify the thoughts of the prisoners. When they implored permission to

labour in the open air like the felons, his Majesty obliged them to make lint in their dungeons out of filthy rags; and when they complained of this aggravation of their punishment, he said sneeringly, "*Are they not philanthropists?*"

To ensure the execution of his orders, the Emperor had recourse to the most vexatious system of police. The Commandant of Spielberg was enjoined to search the state-dungeons, keep the strictest watch over the prisoners, the goalers and the guards, and acquaint his Majesty daily with every detail. The Director-General of the Police of Moravia was commanded to inspect the fortress monthly and draw up a minute report on its management: the Governor-General of the province was ordered to watch the conduct of the Director-General, the Commandant and the various individuals under his care: and lastly an Aulic-Councillor or a minister of state was secretly sent to Spielberg every year, with instructions to take all its inmates by surprise, and ascertain whether the Emperor was faithfully obeyed. The following extract from the Appendix which Mr. Prandi has added to the Memoirs of Andryane furnishes us with the account given by Maroncelli of the manner in which these visits were conducted.

"The Director-General of Police and Counsellor of State came to make us the first inquisitorial inspection on the 17th of March, 1825. The dungeon first searched was ours. There were seven cells; the Director-General began work at seven o'clock in the morning with lights, and only concluded at seven o'clock in the evening with lights. Considering that our furniture consisted of two sacks of straw, two blankets, two jugs and two wooden spoons, it is difficult to conceive what could prolong the visit for twelve hours; but this may prove with what zealous minuteness he must have proceeded. The two sacks of straw were carried out on the platform, in order to ascertain whether there was anything concealed. The blankets were shaken, the jugs emptied. Afterwards we were stripped, our shirts were taken off and put on again, and thus we were left.

"The Director-General then drew a knife out of his pocket, and began to rip open all the seams of our trousers and jacket. Our very shoes underwent a similar review; but I interrupted it, being worked up into a state of indignation such as I had never before experienced. This operation appeared to me so base and so unbecoming to him who performed it, that I felt ashamed of being before a worm in human likeness, decorated with orders, and thus dragging in the dirt the imperial dignity in the name of which he acted. On the other hand I saw poor Pellico, with his teeth chattering with cold and fever,—Pellico for three quarters of an hour in

his shirt waiting until his Excellency the Counsellor of State should conclude his iniquitous work! I could bear this no longer, and cleaving his fists, in a voice choked with rage, I desired him to give a blanket to my friend."—*I'ol. ii. page 404.*

Not satisfied with this, his Majesty constantly changed and shifted the goalers and the guards; he even appointed the assistant *hangman* of Vienna to superintend the prisoners of state, and to send him daily a confidential report of what was done or said at Spielberg. Nor was this all. Intent on unravelling the dreaded secrets of the Carbonari, he appointed ecclesiastics to debase the minds and hearts of the prisoners, and worm out their political secrets under the plea of performing a religious office. Of all the agents he thus employed, Salvotti's cunning and cruelty not excepted, none acted his part so dreadfully as Don Stephano Paolowitz, the priest sent by the Emperor "to administer the consolations of religion" to his victims. With an importunity more natural to a commissary of police than a minister of Christ, he ceased not to press and harass the captives to forfeit their honour,—alternately appealing to them in the name of Heaven, or their sorrowing relatives, of their love of liberty. The spectacle of this clerical desertion of every good principle and feeling drove Andryane to doubt the holiness of a faith which substituted the authority of man for that of God; and, anxious to fortify his mind against such harassing doubts, he begged to be allowed a Bible and some other religious books.

"'Books!' exclaimed Don Stephano, 'you have already more than you want; they only make your eyes weaker. Besides, reading tends to unsettle the mind. Look at me: I read no book but my breviary. Can you not while away your time by knitting or lint-making?'

"'Knitting and lint-making occupy the fingers, but not the thoughts.'

"'Thoughts! thoughts!' cried the Bishop: 'his Majesty, you well know, is adverse to thinking, and would have you employed only in one thing,—in comprehending the heinousness of your crime, and imploring pardon of God.'

"'Some good books—a Bible, or St. Augustine—might, I imagine—'

"'You are not to have them, I tell you; that is settled. If you remain twenty years at Spielberg, you will obtain no more than those which have been generously allowed you.'"—*I'ol. ii. page 245.*

This man had so aggravated the wretchedness of the prisoners, and so shocked the feelings of every one at Spielberg,

by his atrocious conduct, that the very gaolers disobeyed the dictates of duty and loyalty, to obey those of humanity. We give the following instance.

" 'This priest,' exclaimed old Schiller one day, 'dishonours the cloth he wears. Would you believe it, he told me that I do not properly fulfill my office of goaler, and that I shall get myself into trouble. Let him say mass, and leave his neighbour in peace. On the contrary, he watches us; he prowls about Spielberg every evening; and yesterday I caught him behind the bastion, listening for hours to hear if you spoke to each other from the windows. Then he inquires right and left, of the convicts as well as the guards, to find something to report against us.'

" 'Rather say, against the poor prisoners, my good Schiller. It is owing to him that we are deprived of our books.'

" 'Very true: your case was pitiable enough before this messenger of Satan came to torment you.'

" 'God knows,' said I, 'where all this will stop; for his intentions appear more hostile than ever. Ours is a terrible destiny, Schiller! it is cruel to feel one's body and mind perishing thus by degrees. How I regret that I was not executed!'

" 'At these words Schiller looked at me compassionately, exclaiming, 'Poor young man!'

" 'And what will become of us, if we lose you in consequence of the reports of Paolowitz?'

" 'I care as much for him as *that*,' he answered. 'His excellency the Governor knows me. That priest has neither religion nor conscience; but I have, and I cannot bear to see prisoners like you so barbarously treated.'

" 'You have often proved this to me, my good Schiller, in satisfying my hunger.'

" 'I will prove it to you still better, and immediately.'

" 'So saying, in two strides he reached the door, and slammed it to, only to open it two minutes afterwards with still more noise. 'Here,' cried he, 'here is a beautiful German book. . . . When you have read that, I will give you another and another, so long as I can procure any. You are worse off than the convicts: they go out, and breathe fresh air all day, whilst you are shut up here from morning till night. It is not just, especially now that you have nothing to occupy you.'

" 'God will reward you for what you do for us, Schiller! and if ever we are able to give you proofs of our gratitude, be sure that we shall be happy to do so.'

" 'The reward is here,' he replied, putting his hand energetically on his heart. 'It is my duty as a Christian to prevent a minister of Christ from aggravating the sufferings of the prisoners committed to my charge.'"—*Vol. ii. pages 154-156.*

And this was the man whom his Majesty delighted to honour. The services of Don Paolowitz were rewarded with a

bishopric! His first interview with Andryane after his promotion is thus recorded: from his own lips we learn that the Emperor had acted in this case in opposition to the wishes of the whole Court of Vienna, where the infamous character of the priest was well known.

"I entered, and found Don Stephano placed in a dignified manner in an arm-chair.

" 'His Majesty,' he immediately began, stretching out his hand that I might see more plainly the pastoral ring glittering on his finger, 'has deigned to raise me to a bishopric. It is a heavy burden; but with God's help I shall, I hope, acquit myself of my new duties to my gracious Sovereign's satisfaction. To him alone I owe my promotion: the Court opposed it, but he insisted—ha, ha, ha!—and they were obliged to submit. I knew this some months ago, for his Majesty (God preserve him!) had told me that he would do something for me. I thought at first that I should have a canonry; then, on reflection, I suspected it might be something higher; and my suspicions were changed into certainty on my return from my last journey to Spielberg. His Majesty received me like a son; and after listening to me for an hour, he graciously said that he had destined a bishopric for me. I threw myself at his feet, attempting to express my gratitude; but he made me rise, saying with true paternal benediction, that a bishop only kneels to God.' "—*Vol. ii. page 241.*

The consequence of this complicated system of persecution was, that several of the prisoners perished prematurely in the dungeons of Spielberg,—that Pellico and Maroncelli were restored to the world, one with the loss of a limb, the other in the last stage of disease,—and that Andryane himself had so far lost the use of his eyes, that four medical men, sent by the Emperor to visit him, declared that if his imprisonment was at all prolonged there would remain no remedy. This declaration could not have been more opportune. At that time (June, 1830) his sister, who had been unwearied in her exertions, was making the greatest efforts to obtain his release. The French revolution occasioned a postponement of her intended departure for Vienna, but it gained her the assistance of the Duchess of Leuchtenberg, of the new Queen of the French, and the new French Government. Madame Andryane had once before thrown herself at the Emperor's feet, imploring mercy, and had been unsuccessful; this interview is recorded in her Journal, which forms perhaps the most interesting part of these Memoirs.

"The door opened, and I was invited to enter. After having made the three obeisances required, I advanced with my head respectfully inclined, and said without embarrassment, 'In obtaining the honour of seeing your Majesty, my first duty is to offer you thanks in the name of a grateful family, who owe all to you. But for your infinite clemency, Sire, my brother would have ceased to exist, and we should have been miserable for ever.'

"A faint voice replied, 'I am delighted, I am delighted!'

"Raising my eyes, I beheld before me a little old man, of about my own height, without any dignity or appearance of grace, and with a long countenance,—so long! He was dressed in a travelling suit, without any decorations. I told him how, in consequence of the illness of my father-in-law, I had been sent thither myself: then expressing my apprehension that my poor brother might never see his aged parent again, I fell on my knees before him. The Emperor started back, apparently frightened, and answered sharply, raising his voice, 'Arise, get up, get up! If I had known you came to ask his pardon, I would not have received you. I cannot grant it, my duty forbids me. Unless I make a striking example of this case, I shall soon have more of these rascals come and create disturbances here. If any more Frenchmen come, they shall certainly be hanged. Your brother ought to have been hanged.'

"I was so overwhelmed with astonishment at such language, that I burst out weeping bitterly, and reiterated my prayers for pardon; for it was necessary not to abandon submission when it was so needful. I said in vain to the Emperor everything my heart or mind could suggest. He was not accessible on any side: his only reply was, 'Be at ease; I have taken care of his soul; but it is contrary to my duty to grant his liberty. You must wait till the scoundrels who sent your brother into Lombardy have ceased to exist,—they are old.'

"Sire, I supplicate you, grant us permission to write to him sometimes.'

"Impossible, impossible! it is contrary to the regulations.'

"But the letters need not be put into his hands. Your Majesty might deign to order that they should be read to him.'

"Impossible, impossible!" he replied.

"Sire, in the name of a dying father, in the name of Heaven's mercy, do not refuse to a family in despair the one satisfaction of once a year seeing his signature,—only his signature, Sire, to convince us that he is alive.'

"Impossible, impossible!"

"My sobs, which I could not control for some instants, prevented utterance: at last I said, 'If he could but undergo his captivity in France, he would be permitted to see us sometimes.'

"I cannot put sufficient trust in France to grant that," answered the Emperor, touching me on the shoulder and smiling: 'no, no! I cannot put that trust in France; you are still too feverish there.'

"Then shall I have no consolation to carry to his father, whom grief is hurrying to the tomb?"

"You may tell him that his son will be a very honest man when again restored to society, that we take as much care of the soul as of the body

of the prisoner, and that he goes on well in every respect. I have given him as a companion to Confalonieri: they love each other, and are always together, except when they are punished; then we separate them for three weeks or a month. I have just received a letter from the priest, whom I send to Spielberg four times a year. He writes to me that I should do nothing for either of them yet, as they are not sufficiently corrected.'

"My tears redoubled, and I cried out in accents of despair, 'Alas, we shall never see him again!'

" 'Yes, yes, you will see him again,—I promise it,—I give you my word for it.'—*Fol. ii. pages 123-125.*

This interview had taken place at Milan, in the summer of 1825, when it had been reported that his Majesty intended to celebrate his visit to Italy by proclaiming a general pardon to political offenders. On the strength of the imperial promise thus obtained, Madame Andryane now made a second appeal to the Emperor, and her devotedness at last received its well-merited reward.

"I bowed low," she says, "and began my petition, when he interrupted me at the first word, saying, 'I have acted foolishly, very foolishly.' His Majesty, seeing that I looked surprised, hastened to add: 'If I could some day to set your brother at liberty, I ought not to have let him come placed with Confalonieri; he knows all his secrets and may divulge them.'

" 'Ab, sire, he has suffered so much and so long! In the name of the Divine mercy, listen to the impulse of your heart; recollect those words uttered by your Majesty seven years ago,—'I will restore him to you some day, I promise you.' They have been the consolation of a family much to be commiserated. Sire, do not reject my supplication—pardon, pardon him! ' And I threw myself on my knees, shedding tears.

" 'Rise, rise, madam!' he said kindly, and extending his hand to assist me. 'And what will my Italian subjects say with respect to the other state-prisoners, who deserve pardon more than your brother? He has great veneration for Confalonieri, to whom I know he is devotedly attached.'

" 'Sire, how could it be otherwise, with men who have suffered so much together?'

" 'Without doubt, without doubt; I do not consider it a crime; and it is very certain that if one of the two deserved to be hanged it was not your brother. I have much ameliorated their condition: I have acceded to the supplication of the Countess Confalonieri that her husband should have coffee, which was necessary for his health. If I release your brother—'

" 'Ah, sire,' cried I, clasping my hands, 'will you really then restore him to us?'

" 'Then,' replied the Emperor smiling, 'will you promise me to observe the strictest silence—to say that I have not granted your prayer? Answer me,—that you will not even write to France!'

" 'Sire, the orders of your Majesty shall be strictly obeyed. I promise to refrain from expressing my gratitude and joy. But your Majesty will permit me to write to my family, enjoining at the same time the most profound secrecy.'

" 'Yes, I consent to it, but to your family only; for, do you see, I do not wish to be tormented by my Italian subjects. Well, madam, I yield to your entreaties.'

" 'May Heaven bless your Majesty, and—'

" 'The words died away on my lips, I could not utter another word.'—*Vol. ii. pages 374—376.*

Her meeting with her brother is thus given in her Journal:

" 'A face, pale and emaciated, turned and raised its eyes towards me on hearing my voice. I could not contain a cry of sorrow. 'Great God! it is he; but how could I have recognised him!' And I fell on a seat and could not find strength or speech.

" 'My cousin rushed towards the staircase before I was able to stand. He returned, leading and supporting my unfortunate brother, who threw himself into my arms, repeating only, with sobs, 'Old—old—dead there without you!' * * * " 'More than an hour elapsed before we could recover from our agitation. I retired for a short time to my room and relieved myself by a flood of tears. Nothing had prepared me to see him thus—lying, presenting the appearance of an old man by his bent figure and his cadaverous complexion. Poor Alexander! what suffering to effect this! The thought would break the most indifferent heart.'—*Vol. ii. page 396.*

At the period of Andryane's liberation, Confalonieri had been long lingering between life and death; but there was no chance of his being set at liberty so long as the Emperor lived. The death of the latter however was not far distant; and, as soon as it took place, his successor signalized his accession to the throne by putting an end to the barbarities of Spielberg, and sending to America the few sufferers who were still languishing in its dungeons.

Having given our first unfavourable impressions of M. Andryane's work, we turn with pleasure to speak of its merits; and these are not few. The reader's interest is sustained throughout these volumes with a painful intensity; nevertheless, by a skilful alternation of tender and sad scenes, and even by some attempts at humour and pleasantry, characteristically French, the author has given a pleasing variety and animation to his narrative, hardly to be expected from the

monotonous log-book of a prisoner. M. Andryane gives us a series of portraits of his associates, of his judges and gaolers, delineated with a masterly hand: indeed this forms one of the chief merits of the book. He introduces us successively to each of his friends, rapidly sketches their biography, their characters, and narrates the vicissitudes of their arrest and trial, and the various degrees of fortitude which each of those heroes displayed in bearing his fate, opposing the arts and malice of his guards. Confaloniere is one of those men whose names claim a place in history; he possesses a greatness of soul which shows itself superior to suffering, a generosity which in the extremest trial offers one of the noblest examples upon record of forgetfulness of self in compassionating others,—of devotion to country, yet a noble, quiet and dignified submission to fate, when remonstrance was unavailing and lamentation would have been weak and puerile. We shall quote one instance of magnanimity which claims our highest respect and veneration. Be it remembered, that when the following incident occurred he was a prisoner for life in the dungeon of Spielberg, without the smallest hope of release; not only separated from the wife who was the object of his closest affection, but knowing that she was suffering for him acutely, in expectation of hearing that she had sunk under the trial. In this state, enfeebled in body and harassed in mind, a chance of escape was offered to him—but we will not anticipate Andryane's recital of the occurrence.

"About a month after the news of my father's death, Confaloniere received, after many years of expectation and uneasiness, not a long and but a sign of life from his friends. This proof of their constant devotion should have passed over silently, like many other acts of generosity which I was the witness and often the subject, if my conscience did not urge me to testify to the noble self-abnegation of him who has a claim on my eternal gratitude. Although there can be no harm in entering minute details, I shall limit myself to stating, that the keeper, to whom Schiller had confided our secrets, found means to say to us one evening through the little opening of the wicket, 'A man is here at Brünn, bearer of a letter which he has given me: I have brought it you. I am ready to favour your flight. I myself am disposed to make the attempt and have prepared everything to execute your escape tomorrow afternoon. Give me therefore your answer in the morning.'

"Who can describe our agitation at this unexpected announcement? Confalonieri hastened to read the letter, which contained only these words: 'Chosen among your exiled friends to assist in your project of flight, I have arrived at Brunn, provided with passports and a good carriage. I shall await the favourable moment; meanwhile prepare yourself. I have brought with me the necessary disguise, a hat, frock-coat, etc. I shall confide them tomorrow to the keeper. Reckon on me as on yourself.'

"Well, what say you to this?" asked my friend.

"That we should both fall on our knees and thank God for so great a favour; this unexpected means of flight must be seized instantly and without hesitation. Think of your Theresa—"

"You well know that she is my constant thought, the only tie that attaches me to life. One of my dearest friends informs me that her health is seriously affected, and that my presence alone can relieve her."

"Well then, attempt fearlessly this escape, which will at once save your incomparable wife and yourself; for there is no doubt, my dear friend, that so long as the Emperor lives you will languish in Spielberg, and will perhaps finish your days here."

"I am well aware of that," he replied.

"And," I instantly exclaimed, "you do not exult in the idea that in twenty-four hours you may be freed from this frightful destiny? I see no sign of joy on your face,—you are gloomy. What are you thinking of?"

"This letter speaks of one only; and to leave you here—"

"What matters it? Am I in the same position as you? Have I an adorable wife whose existence depends on my deliverance?"

"For pity's sake say no more," returned Confalonieri: "let me reflect,—I will call you presently." And saying these words he retired to his cell, desiring me to go to bed.

• • • • •
"Notwithstanding the desire I felt at such a moment to move about in my dungeon, I seated myself on my pallet, that Confalonieri's reflections might not be disturbed. The evening wore on; the night became dark; the rain fell in torrents; and the wind, driving through the narrow embrasure of the window, shook the frame so violently that I expected every moment it would be dashed to pieces. 'I hope that my poor friend will not have such frightful weather tomorrow,' said I to myself: 'yet the roads will be bad, the cold intense, the fatigue overpowering; and he so weak too! Will he be able to support all these hardships? I trust so; the prospect of again seeing his beloved Theresa will revive his strength.'

"The wind continued to blow, and when every quarter of an hour the long-resounding cries of the sentinels were mingled with it, I shuddered involuntarily at the idea of the obstacles which that watchfulness opposed to every project of escape. Meanwhile I had heard eleven, twelve, then one o'clock strike, and Confalonieri had not called me,—not moved. I began to apprehend that he had fallen asleep, or that, too weak to endure his emotions, he had been seized by one of those long fainting-fits which had alarmed me so much during my journey from Milan to Spielberg. Trembling at this idea, I was about to go to him, when his voice reached my

car. In less than a second I was by his side, and asked anxiously, 'What have you resolved?'

" 'To remain at Spielberg.'

" 'I cannot believe it,' I cried: 'it is impossible!'

" 'I will not abandon my companions to their sad fate; I cannot see you alone, exposed to the displeasure of the Emperor; my conscience and honour forbid me. Had I been able to take you with me, as I hope I do, I should not have hesitated a moment, for friendship and duty would have alike urged me; but rather than escape alone, I prefer to remain here. I will never profit by any good fortune that may injure my fellow-captives.'

" 'But do you not fulfil a more sacred duty,' I asked, 'in seeking to rejoin your unhappy Theresa? You will perhaps never have another opportunity: think of this. I beseech you on my knees to come to a more sensible resolution. The sacrifice you are willing to make will be of no service to any of us. On the contrary, there is no doubt that the Emperor will hasten the period of our deliverance when you are no longer at Spielberg. In the name of friendship, do not add to my miseries the regret of having been the cause that you voluntarily condemn yourself to perpetual imprisonment.'

" 'I entreated him thus for some time, invoking the name of those dear to him, but I could not induce him to alter his determination. He merely said, 'Enough, enough! I must not desert my post: I will rather die than run the risk of aggravating the fate of those left behind. Such is my will: it is as stubborn as my duty.'

" 'I endeavoured to insist still further, but he interrupted me by exclaiming, 'In the name of Heaven, spare me: do not force me to reconsider what is irrevocably decided; I have too painfully felt during the past hours how torturing such indecision is, to expose myself to it again. Leave me, Alexander, I wish to be alone.'

" 'Then he pressed me to his heart, and we remained some time speechless in each other's arms, but feeling that our souls were more than ever fraternally united.

" 'The next day Confalonieri made known to the friend who had braved all kinds of dangers to rescue him, that he could not set out; and thus with noble self-devotion, in the mystery of a dungeon in which he was likely to terminate his life, he accomplished the greatest sacrifice that a man of honour could make to his companions in misfortune.—*Ibid.* ii. pages 316—321.

We cannot dismiss the subject of this article without briefly regarding the question at issue between the Italians and Austria; and it appears to us that, avoiding the character of partizans, justice requires us to judge this not by a standard of the abstract rights of man, but by the motives which, according to the position in which they are severally placed, necessarily actuated them. It is from occupying a false ju-

dicial position, that men generally suffer their feelings to clash with reason : and, whilst we readily admit the sympathy which a conscientious devotion to the cause of patriotism claims from us on the part of the Italians, we on the other hand see in the conduct of Austria only the determination of a state to retain in subjection a people whom she regards as hers by the right of conquest. We admit that the Italians were perfectly right to rise against their oppressors, provided that the chances of their success were well and sufficiently weighed by them before they engaged in the struggle. This is the point upon which they must be judged by themselves and by the world ; for be it remembered that those who attempt to revolutionize a country, assume in so doing the most weighty responsibility possible ; they take the peace, the happiness of millions into their hands ; they risk, not only their own lives, but the welfare of a people ; and if they madly rush into the chances of intestine war without the most deliberate counsels, the most assured grounds of success, theirs is the guilt of riveting the fetters which they are incapable of throwing off—they stake the fortunes of their country on the issue of the struggle.

The fact cannot be denied that the Italian Carbonari were guilty of high-treason,—a crime which according to the laws of all countries is punishable with death. We are well aware that Italy is placed in such peculiar circumstances that political offences are invested with the character of heroism. But could the ruler be actuated by such considerations ? could he be prevailed upon to arrest the sword of justice, in compliance with the general sympathy evinced in favour of the prisoners by their countrymen ? would not rather their very popularity make him aware of the precariousness of his position in Italy, and urge upon him the necessity of the severest measures ? Austria could not judge the conduct of those who took up arms against her government by the motives which actuated them, but by the position in which she found them. The treason of her subjects was in her eyes the darkest of crimes ; and while in mercy the Emperor spared their lives, the rank and condition of his prisoners could not urge any claim to immunity of the punishment due by the laws to their crime.

We had occasion some years ago to speak of the character of the late Emperor, and the remarks we there made are remarkably illustrated by the facts detailed in the work before us*. A constant timidity, a nervous apprehensiveness of impending danger, is seen in all his actions and counsels. Fear overruled his intellect: his dread of secret societies knew no bounds: his thoughts could find no rest, even within the walls of Schönbrunn, until the great arcana of the Carbonari were fully laid open; he over-rated the extent, the power, the depth of the conspiracy, he gave the countrymen of Macchiavelli more credit for plots and intrigues than they proved to deserve, and was irritated by the unconquerable passive resistance which his prisoners offered to his arts and menaces. Such a mind, haunted by fears and naturally weak, is a ready prey to the arts of designing and evil-minded men, who finds means to turn these weaknesses to their own advantage, and raise their fortunes upon the field of intrigue and crime. Francis was not naturally cruel or unjust, but he became so by giving himself up to the guidance of such men as the execrable Salvotti, and that cowed fiend Don Paolowitz. He found in his Tyrolese commissary an agent who not only entered into his master's views with all the zeal and fervour which aspirations after royal favour could inspire, but with an eagerness and ability, unwearied perseverance, and an amateurlike relish worthy a minister of the inquisition in its bloodiest days.

" It is the curse of kings to be attended
By slaves that take their humours for a warrant
To break within the bloody house of life,
And, on the winking of authority,
To understand a law,—to know the meaning
Of dangerous majesty, when perchance it frowns
More upon humour than advised respect."

But the genius of the arch-inquisitor was foiled. Notwithstanding the ignominious terms of full impunity, and the rewards offered to the prisoners if they would only "abjure and reveal," notwithstanding some moments of unguarded weakness, and some misunderstandings, the great trial drew to a close and the sentences were pronounced; but the

* See *British and Foreign Review*, Vol. iv. p. 42.

prisoners (with the exception of one or two apostates), carried their secret along with them to their place of punishment with so jealous a care, that it remains to this day in great part a mystery, and that, according to a popular saying throughout the country, "the charcoal-bag (*Il sacco del carbone*) was shaken but not opened, the *dust* quickly flew off, but the *coal* itself lay too deep for any effort of Austria to reach it.*"

Long after the trial, when the whole country lay still at his feet, without any symptom of life,—when he had secured his most dangerous enemies at Laybach and Spielberg,—that fatal secret continually haunted the imagination of the Emperor. He felt like the mariner in the fable, to whom the winds of the ocean were given tied up in a wine-skin, and who expected at every instant that the bag might burst, and the imprisoned winds rush out, and blow up him and his vessel. Full of these apprehensions, he occupied himself incessantly with the care of his prisoners at Spielberg: none of its inmates was ever allowed any article of food or dress, any petty comfort, without his immediate consent and direction. With a scrutinizing diligence, little consistent with imperial dignity, he presided over the measurement of the prisoners' chains; he appointed every officer of the establishment, nor could any of the governors, doctors, chaplains, or turnkeys of Spielberg long enjoy his favour or give him full satisfaction. He was in fact himself the head-gaoler of Spielberg. From Pellico's spectacles and Dr. Foresti's wooden fork, to the pillow of the Countess Confalonieri† and the fetter-worn leg of Maroncelli,—nothing could be received or disposed of, nothing donned or doffed, without the imperial decree.

But although the Emperor had a just right to punish as

* An allusion to the name and origin of that famous sect, which, as it is well known, arose in the time of Napoleon among the woodmen and charcoal-burners (*Carbunari*) of the Apennines.

† The pillow on which the head of the Countess had rested, and which had received her tears during her journey from Milan to Vienna and back, to solicit her husband's life at the Emperor's feet,—and during which time she journeyed day and night, hardly ever quitting her post-chaise—had been sent by that lady to her husband, on the eve of his setting out for Spielberg, as a last token of her unshaken though unsuccessful devotion. But even the comfort of this pillow was an infraction of the rule, and the prisoner was compelled to part with it.

rebels those who were convicted of the crime of conspiracy against his government, his conduct towards the prisoners unnecessarily severe, cruel and unjust. They were condemned to the *carcere duro*, but they were not allowed even the food and exercise which the common felons enjoyed in their prisons, and of hard labour. In vain did Confalonieri, Andryane and others petition the Emperor to be allowed hard work in the open air, when their health and eyesight were sinking under the close confinement of their cells. There is a paltry spirit of revenge in aggravating the miseries of a dungeon by the infliction of bodily pains and mental torture, which is deplorable as it was uncalled for; but what in the eyes of Europe stigmatizes the conduct of the Emperor in his treatment of his prisoners, is the infamous manner in which a secret and artful system of inquisition was practised, to extort secrets which they could not betray without a violation of every feeling of rectitude and honour: they were called upon to denounce their friends and companions in the cause, who in many cases they had really no secrets to confess. Not only were threats and promises used to accomplish these unrighteous ends, but the offices of religion were profaned by being pressed into the service of this espionage. Did justice require the employment of means at which humanity revolts? Was this treatment justified by laws, either human or divine, for men whose crime was of no moral nature, whose guilt was at worst the result of misled though conscientious motives of patriotism? Innocent men were, by a summary procedure, which may accord with Austrian, but is opposed to all English ideas of justice,—arrested and incarcerated for years upon the slenderest grounds of suspicion or proof; and the simple circumstance of a man's having incautiously joined in a patriotic (not a revolutionary) toast, was sufficient evidence to convict him.

This view of the conduct of Austria seems to us to be consistent with truth: but we write with feelings sickened by Andryane's recital, and scarcely know how to take a calm view of the subject, and to give reason the ascendancy over feeling. As we read pages 11 the plains and the blue lakes of Lombardy before us, and the picture to ourselves of the pitiable people

plunged into the havoc and evils of an unsuccessful struggle for their freedom ; we hear the sighs of the illustrious victims on their way to Moravia, banished from their country, stripped of everything, and led to captivity in a foreign land. We are grieved to say that the miseries of the issue of the revolution in Italy are yet far from being ended by the seeming clemency of the new Emperor. The King of Sardinia, the Duke of Modena, under the immediate control and protection of Austria, carry on their sanguinary system with impunity ; the dungeons of Modena, Alexandria and Genoa have yet a tale to relate before which the very horrors of Spielberg may sink into comparative insignificance, and as the spirit of resistance is naturally redoubled by the violent means employed for its repression, no hope is left for a speedy cessation of evil, none indeed for any possible reconciliation. At the very moment that we are writing, we learn that the compulsory re-installation of the Jesuits has given rise to serious disturbances, and to important arrests at Parma and some of the towns of Austrian Lombardy. We hear that one of the last literary periodicals, the *Subalpino*,—hitherto for some unaccountable reasons suffered by the condescension of Charles Albert of Sardinia to drag on a precarious existence under the paternal vigilance of his enlightened censorship,—has yet found means of giving offence, and shared the fate of the *Conciliatore* of Milan and the *Antologia* of Florence. The king of Naples is hardly recovering from the cares and anxieties into which he was thrown by the affairs of Sicily, where he erected his courts martial, and, laying several districts of the island in a state of siege, summarily shot, and hanged numbers of half-famished wretches, whom the terror of his threatening measures had converted into desperate outlaws.

We have of late been accustomed to listen to the tale of enterprising tourists, who, having explored the remotest regions of the Austrian dominions, have brought home the most touching accounts of the charms and blessings of that *paternal* and *pastoral* government. We had willingly forgiven Mrs. Trollope her weak intimation, seeing that, dazzled by the unaccustomed pageantry of chamberlains and archduchesses, and intoxicated with "*la crème*" and "*la crème de la crème*,"

she lost that small portion of her wit that had not already exhausted in vilifying the Americans. But when we sounder judgement and the less susceptible fancy of Turnbull so strangely led astray by the specious notion of an undiscerning optimism, we begin to fear that we have never break up our houses of parliament, tear our free constitutions and beg of the Kaiser to have mercy on these poor islands, and send over a score of his commissaries to lead us into happiness in spite of ourselves. We have not been willing to admit that the formal, slow, and altogether impartial, mild and provident system of centralization and absolutism is not ill adapted to the genius and temperament of the German portion of the empire,—that the upper classes are there attentively spared all the cares and anxieties of public life, and the lowest (to a considerable degree) provided against absolute want. We have failed to appreciate that order and silence, that administrative understanding and reciprocal fondness between subject and master, that tacit abnegation and ready acquiescence on the part of the *flock*, which alone can inspire the *shepherd* with feelings of moderation and mercy. We have allowed nowhere more than in Austria is the inoffensive man permitted to fatten undisturbed. We know that the Austrians have from time immemorial found their happiness in a calm and docile passiveness; and so have the Chinese: it would be to act the part of the serpent to tempt that contented people to eat of the tree of knowledge, and seduce them from their Eden of political innocence.

But here our admiration terminates; it would be a height of hypocrisy and an outrage on humanity to pretend that they have a right to force their mild but sleepy constitution on a nation so entirely their opposite in character, spirit, and genius as the Italians, or the other parts of the empire of Poland, Hungary and Bohemia, and to congratulate the latter (as many have unblushingly done), on the "slow and sure system of civilization they are undergoing under Austrian paternity." The "happy order and silence" that reigns in Milan, the shouts of maddening joy of a carnival in expectation of Venice, are given as an evidence of the good results of the lightning and beneficent Austrian system. It is of course

drunken carols are to be the measure of a nation's welfare, Mrs. Trollope could testify to the happiness of the negro of Carolina and Kentucky; for before the doors of the most squalid huts she must have seen the brutified slave abandon himself to transports of unbidden exultation, such as she can certainly never have witnessed at the grand balls of the "*haute volée*" at Vienna, or at any of the most noisy theatres at Milan. She ought to have felt the impropriety of studying the working of the Imperial government at Vienna, and within the narrow circle of what is emphatically called the *sovereign* state,—which bears to Italy, to Hungary, or to any of the distant provinces the same proportion that the well-fed, well-clothed household-servants of a wealthy planter bear to the labourers of the field toiling under the whip of the overseer.

The malison of heaven seems to hang over unhappy Italy; and though we would not affirm that all the evils in that country are to be referred to Austrian ascendancy, still we think there is for Italy little chance of revival until that blighting influence is withdrawn. The rulers of the largest as well as of the smallest states, the Pope himself not excluded, notwithstanding all the prestige of his spiritual authority, exist by the protection of Austrian bayonets, and hold their nominally independant sovereignties under a secret compact of unqualified vassalage. Whatever Italy is, Austria has made her: all and each of those sceptred lieutenants within their own territories shorten or slacken their reins according to her mandates; and, by an extreme refinement of policy, they are made to bear all the odium of her recondite measures. Italy is thus united under one absolute rule; while the confines of her petty states, their different laws and regulations, shackle at every step the progress of national prosperity, and create a hundred paltry local interests, raising perpetual barriers against all hopes of future regeneration. By a strange combination of adversities, that country has thus one and eight masters, uniting all the disadvantages of division and all the evils of union.

We repeat that, whilst we desire earnestly to see our Government continue in its amicable relations with Austria, whilst we should consider it as unwise and treacherous to hold out any hope of co-operation to the patriots of Italy,

we should consider it undignified to palliate our sympathy for them, or to urge any sophism to prove that other reasons than those of political necessity restrain the free nations of Europe from interfering in their behalf. Nor can the permanent independence of any country be won or secured with her people (we speak not only of the patrician classes, but of the mass of her population) feel the want, the imperative requirement, and possess the necessary energy and moral power, to assert their claim to emancipation, and are prepared to raise upon that basis a new and solid social fabric. If they demand or rely upon aid from without, to fight the battle with their oppressors, they betray their incompetency to maintain the position of a free state; and such assistance, even if rendered, will ultimately serve only to prepare them for the evils of renewed servitude.

The remarks we have made may appear selfish, cold and disheartening to the oppressed patriots of Italy or Poland; but, since such is undoubtedly the course followed by European diplomacy, would it be wise or generous to urge them by perfidious suggestions to rash attempts, which could have no other result than to heap misery upon misery? Is it not more humane and considerate to give them the lessons of experience, and teach them resignation and prudence? Is it not better, while assuring them of our full sympathy, candidly to confess our inability to assist them? Our cry must be still, "Peace, peace!" though Poland and Italy might perhaps reply, with Lady Constance,—

"War! war! no peace! Peace is to me a war.
O England! Mighty England!
Thou ever strong upon the stronger side!
And dost thou now fall over to my foes?
Thou bear'st the lion's hide!"

We must now take our leave of M. Andryanc's work: its principal value lies in the historical detail it gives of facts which will occupy a prominent place in the annals of Europe. The general faithfulness of the narrative is sufficiently corroborated by internal evidence, by the statements of Pellico and Maroncelli, and the testimony of the English translator. It is good that such facts as it discloses should be placed on re-

cord;—and this, not for reasons of a passing interest, but of higher moment: there is a lesson for many in these pages; experience may teach those who vindicate the sacred cause of liberty, that they must be prepared to suffer in their devotion; it will at the same time teach rulers that a spirit of vindictive and pusillanimous cruelty is an insecure basis for their power to rest upon; for, however for a time the power of the sword may hold in subjection the conquests of the sword, the rights of humanity must eventually triumph over oppression and injustice.

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